XENIA CITY COUNCIL
MEETING AGENDA
SEPTEMBER 24, 2026

LOCATION:
City Administration Building
City Council Chambers
107 E. Main Street
Xenia, OH 45385

NOTE: Regular and Special Meetings are open to the public. Executive Sessions are closed to the public. Only Regular Sessions are live streamed on the City's YouTube channel (eXplore Xenia). There is an opportunity for Audience Comments during Regular Sessions only and during Public Hearings. Please see the note under Audience Comments below.

REGULAR MEETING

- **INVOCATION** — Pastor Todd Martin, Chaplain – Legacy Village

(1) PLEDGE OF ALLEGIANCE — Vice President James Crawford

(2) CALL TO ORDER — 6:00 p.m.

(3) ROLL CALL AND EXCUSAL OF ABSENCES — Vice President James Crawford, Councilwoman Faith Sorice, Councilman JD Mackiewicz, Councilwoman Rachel Huffman, Councilman Jesse Rubio, Mayor Ethan Reynolds, and President Wesley Smith

(4) APPROVAL OF MINUTES — September 10, 2026 Regular Meeting

(5) SPECIAL PRESENTATION(S) — None

(6) AUDIENCE COMMENTS — The public may also submit comments and/or questions for Council consideration by emailing the City Clerk's Office at xeniacityclerk@cityofxenia.org by 3 p.m. on 09/24/2026.

(7) OLD BUSINESS

A. ORDINANCE 2026-34 (Public Hearing) — AMENDING SECTION 241.05 OF THE CITY'S ADMINISTRATIVE CODE, REGARDING THE XENIA POLICE CADET PROGRAM, *introduced by Mayor Reynolds on September 10, 2026*

B. ORDINANCE 2026-35 (Public Hearing) — AUTHORIZING THE SALE OF CITY-OWNED PROPERTIES LOCATED AT 414 E. THIRD STREET, 422 S. DETROIT STREET, 557 E. MARKET STREET, 652 E. CHURCH STREET, AND 491 & 499 E. SECOND STREET, *introduced by Councilwoman Sorice on September 10, 2026*

(8) NEW BUSINESS

A. ORDINANCE 2026-36 (Introduction) — AMENDING CERTAIN SECTIONS, AND ENACTING SECTION 422.18, OF THE CITY OF XENIA TRAFFIC CODE TO BE CONCURRENT WITH STATE LAW THROUGH OCTOBER 6, 2026 *(Law Director)*

B. ORDINANCE 2026-37 (Introduction) — AMENDING SECTION 648.10, TITLED "JUVENILE CURFEW," OF THE XENIA CITY CODE *(Law Director)*

C. <u>RESOLUTION 2026-051</u> AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR THE OHIO PUBLIC WORKS COMMISSION'S STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AND TO EXECUTE CONTRACTS, AS REQUIRED, FOR PROGRAM YEAR 2027 (PY 41) FOR THE W. MAIN STREET (FROM PROGRESS DR. TO ORANGE ST.) IMPROVEMENT PROJECT *(City Manager)*

D. <u>RESOLUTION 2026-52</u> AMENDING RESOLUTION 2026-003, ESTABLISHING THE CITY'S 2026 ORGANIZATIONAL PLAN, LISTING POSITION TITLES AND NUMBER OF POSITIONS FOR EACH TITLE FOR CITY OF XENIA PERSONNEL *(City Manager)*

(9) APPOINTED OFFICIALS' REPORTS

(10) COUNCIL COMMENTS & REPORTS

(11) EXECUTIVE SESSION

(12) ADJOURNMENT

Published upon approval of the Council President by: Amy E. Brown, City Clerk

XENIA CITY COUNCIL
REGULAR MEETING
SEPTEMBER 10, 2026

REGULAR SESSION

President Smith asked everyone to stand; Pastor Albert Reffitt, Victory Life Christian Center, provided the Invocation.

(1) PLEDGE OF ALLEGIANCE: All present remained standing and recited the Pledge of Allegiance led by Councilwoman Rachel Huffman.

(2) CALL TO ORDER: President Smith called the Regular Session to order at 6:00 p.m. in the City Administration Building, City Council Chambers, 107 E. Main Street, Xenia.

(3) ROLL CALL: Vice President James Crawford, Councilwoman Faith Sorice, Councilman JD Mackiewicz, Councilwoman Rachel Huffman, Councilman Jesse Rubio, Mayor Ethan Reynolds, and President Wesley Smith.

Staff Present: City Manager Brent Merriman, Assistant City Manager Eric Henry, Finance Director Ryan Duke, Law Director Donnette Fisher, City Planner Brian Forschner, Community Development Coordinator Ryan Baker, City Clerk Amy Brown, Fire Chief Mike Bogan, and Police Chief Chris Stutes.

(4) APPROVAL OF MINUTES: President Smith called for a motion on the minutes of the August 27, 2026, Regular Meeting and the minutes of the September 1, 2026, Special Meeting.

Motion by Vice President Crawford, seconded by Mayor Reynolds, to approve the August 27, 2026, minutes of the Regular Meeting and the September 1, 2026, minutes of the Special Meeting as written. President Smith entertained comments or questions. None were presented. The Roll on this was the following:

Ayes: Crawford, Sorice, Mackiewicz, Huffman, Rubio, Reynolds, Smith
Nays: None motion carried.

(5) SPECIAL PRESENTATION: None

(6) AUDIENCE COMMENTS: President Smith explained the procedures for Audience Comments and invited those who wished to speak to come forward. He reminded everyone there were two public hearings tonight: one on the PUD Concept Plan for Timber Ridge, and the other on a rezoning for 121 acres on U.S. 42. If anyone wished to speak on either of those items, he asked that they speak during those public hearings.

Thomas Scrivens, 725 Lexington Avenue, noted he was interested in the City of Hospitality, and he advocated that the Market District be formally named Hospitality Square. There were cornerstones set at two Main Street entrances, and it would be a nice place to have an inscription there. Concerning the condition of the roads, specifically the street condition index of N. Patton Street, between E. Church Street and E. Main Street, there were three standpipes with 45 million

gallons of water waiting to be distributed, but the street was terrible. If there were 1,500 feet of road materials left at the end of this paving season, he would like to see that deployed at N. Patton Street. Regarding Cincinnati Avenue, between E. Second Street and E. Third Street, they could do a whole lot better than what they were doing, with just tamping down some hot patch. He noted they had a full house tonight, and he acknowledged the members present from the East End Community Organization, the N. Columbus Avenue Block Club, E. Second Street, E. Third Street, the East End Cultural and Community Association, members of the affiliate churches of the African American Ministerial Alliance, and the members of the Lexington Park Group. He added he saw Councilwoman Huffman on Channel 24, where she addressed the State General Assembly concerning House Bill 395. He noted her testimony was eloquent and he was impressed.

(7) OLD BUSINESS:

A. President Smith presented **ORDINANCE 2026-31 APPROVING A MAJOR CHANGE TO THE PUD CONCEPT PLAN FOR THE TIMBER RIDGE PLANNED UNIT DEVELOPMENT, WITH THE MODIFICATIONS RECOMMENDED BY THE XENIA PLANNING AND ZONING COMMISSION,** introduced by Councilwoman Sorice on August 27, 2026. President Smith asked Mr. Merriman for a brief summary of this item. Mr. Merriman said as a reminder of this measure, this was a resubmittal of an original proposal considered by Council last year. This revised plan as submitted included among the main elements:

- Two entrances ingress/egress onto US-68 instead of one to be compliant with requirements for such in light of the fact that this new revised plan did not include an extension or connection to Ridge Road into the new subdivision.
- 82 lots instead of 88.
- Reconfigured open space with a larger buffer zone between existing homes and the new subdivision, including a 50-foot no-clear zone that preserved a portion of a heavily wooded area next to existing homes.
- A higher minimum home size of 1,800 sq. ft. for lots on Ridge Road.

Mr. Merriman said as detailed in the last Council meeting, this did not technically conform to City policy in terms of the lack of connection as originally designed on Ridge Road, so staff could not give a formal blessing. As he stated at the last Council meeting, staff acknowledged the concessions made by Arbor Homes, and they had checked most of the boxes in terms of the issues that had been raised by the adjoining neighbors. This was being presented to Council this evening for their consideration.

President Smith opened the public hearing at 6:09 p.m. and invited those wishing to speak for or against the major change to the Timber Ridge Planned United Development (PUD) to come forward.

Howard Horstman, 2428 Ridge Road, asked if the modified or unmodified proposal was being voted on tonight. Mr. Merriman said typically, they did not respond to questions in the public hearing; but for clarification, the applicant had come back with a revised plan. So as they heard the revised plan, that was the second plan, with two points of ingress/egress, and a lack of connection to Ridge Road. That was pending, as introduced, and Council could elect to vote on that or the original plan. Council had the ability to set conditions or to approve with some

conditions, though staff cautioned that, because sometimes there were conditions that could not be accommodated because they had not been vetted through Engineering or with the developer. Essentially, he thought if Council took an action tonight, it would be on the revised plan. Ms. Fisher added there was a revised plan submitted, and what Mr. Merriman was referring to was the original plan. What the Planning and Zoning Commission (PZC) sent to Council was a modified plan. That modified plan did not have the two access points on U.S. 68; it had one access and the connection as the original plat did. So, the Ordinance as presented was the modified plan, and PZC modified it without the two entrances. But, as Mr. Merriman said, Council could choose to amend the Ordinance and go back to the original submittal by the applicant if they chose.

Mr. Horstman stated he sent Council an email on August 28th, and he emphasized the Timber Ridge neighborhood was a distinct neighborhood on the north edge of Xenia with a special character. He had been a resident there for 17 years, and the neighborhood had been there 35 years. He appreciated the distinct flavor of it, and by changing the PUD, that changed the character of the neighborhood. He commended the developer for the proposal they submitted to PZC, as they took into account a lot of the concerns that were before Council last year in Ordinance 2025-33. That Ordinance was voted down at that time; and the new Ordinance, 2026-31, presented a proposal with a few modifications from the developer's latest proposal. He commended the developer for demonstrating flexibility, and it was a reasonable compromise that took into account a lot of the concerns raised by residents last year. There were a lot of new developments going in around Xenia, which was a good thing, but he thought they should take measures to preserve the existing neighborhoods. Timber Ridge was a valuable asset, and it should be preserved by keeping the cul-de-sac on Ridge Road and not extending it into the new neighborhood.

Penny Stewart, 2589 Ridge Road, thanked Council for listening, and she believed the developer tried to listen to the residents to keep their road closed off. They did not have sidewalks or street lights, and they used their road to communicate physically with the other neighbors. She took her dog for a walk every night, and she thought extending that access to that larger neighborhood would be a deficit to their safety. She had seen other neighborhoods within the City limits with a longer access road and no outlet, but with a gate at the end. If they wanted to do that, that would be wonderful. She thought that putting more traffic onto their road, which was busy enough, was a detriment to their safety. She appreciated Council for listening and the developer for thinking of the residents.

Ron Taylor, 2461 Ridge Road, had lived there since his home was built in 1990. He had been involved with the Timber Ridge development for over 35 years, and they were initially residents of Timber Ridge. They entered into a covenant signed by an attorney in 1989, which was intended to be binding, to protect the residents from future development, to ensure the quality of homes to be at least 2,000 sq. ft. with natural materials of wood, brick, or stone on lots that were comparable to the existing homes. Now, they were engaged with a new development proposing 82 lots, averaging two tenths of an acre, with homes from 1,100 to 1,600 sq. ft. He had been told by the City regarding the covenant that it was no longer relevant. The City Planner presented his proposal last December that included an open road from the new development onto Ridge Road, which was met with strong opposition from the residents. Subsequently, the plan was turned down, and they were here with a very similar plan offered by the City Planner. The developer offered an alternative, which was to have an entrance and exit off U.S. 68, thereby maintaining Ridge Road

as closed. The proposed development was not good enough for the land with rolling hills and abundant trees; the lots were too small and there were too many of them. There were beautiful trees that need to be spared, and several of them on land adjacent to the existing homes were 150-200 years old. He remained against the proposed development, and Ridge Road should remain closed to prevent incoming traffic where children played and residents walked on the street. Just because the Planner had made his recommendations again did not make this written in stone. He hoped the Council had an open mind about this project, and he trusted they had not yet made a decision.

Cody McCormick, 2405 Ridge Road, noted everyone said no to the PUD change last time. He and his family lived at the last house on the end of the road, and the proposed development would be a disruption of the forest area there. He spent years rocking his children to sleep looking out his big window at the nature there. There was a canopy that was an active breeding nesting site for native raptors like hawks and birds like blue jays and northern cardinals. Under the Migratory Bird Treaty Act, in Ohio Revised Code §1533.07, destroying any active nests, eggs, or chicks, could carry strict penalties and heavy fines for violation. He thought bats in their neighborhood were a nuisance, but there was a large amount of Indiana Bats and Northern Long-Eared Bats there, both native to Xenia. These bats were an endangered species, but without knowing which type they were, this could allow the Ohio Department of Natural Resources (ODNR) to be contacted about this disruption. There could be a stormwater flooding risk because all the houses on Ridge Road were on hills. Taking the forest and trees away, which could absorb water, could cause the water to go directly into their house. There were no studies showing the City was doing anything to mitigate any water coming onto their property. There also needed to be an independent study showing there were no active nests in that area, because he had even seen a bald eagle. He asked Council to keep that in mind when making this decision. He suggested contacting ODNR to make sure everyone was following the same laws and regulations.

Margene Taylor, 2461 Ridge Road, stated last December, residents were worried about what the developer wanted to do to this land, and Council voted it down, so they did not have to worry. She thought they had now changed their plans with appropriate-sized homes on good-sized lots. They had not hardly changed anything, and that meant Xenia would have cookie cutter homes as close together as 10 ft. apart with many of them only being 1,100 sq. ft. Xenia would be asking buyers to raise a family in something they could hardly turn around in. With the homes being so close to U.S. 68, as the semi-trucks went by, their homes would feel the vibrations because without a protection barrier, there was nothing. Ridge Road was a quiet country place to live and a great place to raise children. If this development was allowed to go forward, these families could not walk the road, and children could not ride bikes ever again. All that they knew of nature, the animals, and the deer would be no more. They could do better, and Xenia could do better. The tax dollar was so tempting sometimes that they looked right over what was best for the new people and the existing residents in Timber Ridge. Arbor Homes wanted to get as many houses on the least amount of land as possible, and they were thinking not of the families and their lives, but their own gain. They would leave a trail of devastation with the trees coming down and the land leveled. This could not be reversed; and if they did it right, they could always be proud of their decision tonight. If not, it would be a travesty, and Xenia would suffer for many years to come.

Laura Marshall, 2428 Ridge Road, said she had lived in the neighborhood for 17 years, and she had worked in government for many years. She was familiar with laws, rules, regulations, and implementing them. She knew how important they were; they were not arbitrary and capricious, but enacted for public benefit and to protect the public. However, sometimes there were circumstances where there might be good reason for a waiver or variance. She requested Council consider similar flexibility in the proposed plans for their neighborhood.

Kurt Sanders, 2485 Ridge Road, said he had lived there for 17 years, and he thanked Councilmembers for their time and dedication to the community. He expressed strong support for the second unmodified design revision submitted by Arbor Homes. He asked Council to reject the City Planner's modifications to that plan with a variance to the temporary dead-end streets longer than 600 ft. Last December, Council and neighbors of Timber Ridge clearly rejected the neighborhood design that forced the connection through the subdivision. Arbor Homes looked into those concerns, and they invested time and resources to develop a revised plan to replace the temporary turn around with a permanent cul-de-sac featuring larger homes, wider protected green spaces, and two egresses onto U.S. 68 for traffic flow. The City Planner was completing a traffic study that supported egresses, and would also add strength to the plan's study to eventually lower speed in that zone. City staff recently modified Arbor Homes' second design to reconnect the neighborhoods, effectively reverting the plan to the configuration that was objected to nine months ago. He understood the City of Xenia's official Land Development Code restricted permanent dead-end streets to a maximum of 600 ft. Currently, Ridge Road south extended approximately 900 ft. from the intersection to the turnaround, and served a total of nine residential homes in that section. He was not asking Council to create a new precedence for this restriction; he asked Council to preserve a long-standing heritage of the Timber Ridge neighborhood, which had successfully maintained this cul-de-sac configuration since 1990. This layout caused zero issues for EMS, school buses, and trash pickup, and a closed court would complement the existing cul-de-sac on the opposite end. He would welcome these new neighbors to the Timber Ridge cul-de-sac, since there would be four houses built there to complement their homes. There were variances regarding the arbitrary 600 ft. limit, including two cul-de-sacs in Beverly Hills that were quite long and terminated into cul-de-sacs. He asked Council to reject the City's plan for modification, and to look at the Arbor Homes design. It would be a win-win situation if they closed off the court to allow the subdivision that Arbor Homes designed.

Brian Henning, Land Entitlement Manager with Arbor Homes, 9050 Centre Pointe Drive, West Chester, Ohio, thanked Council for their time. He noted they were using a new name for this project, Miller Grove, to further differentiate this community from the existing residents, since he felt like they wanted it to be differentiated. This plan was in line with the Xenia neXtPlan, which called for this to be developed residential at two to four homes per acre, and they were at 2.39 with this current plan of 82 lots. They had agreed to enhance architectural standards, along with a minimum of 1,800 sq. ft. for homes near the existing residences. For both plans, they added a 50-foot no-build, no-disturb barrier, so existing vegetation, trees, and bushes, as well as the topography, would remain in that area. They also shifted the open space toward the existing residents to further shield them from the new homes. There was a comment in the last meeting about the water line loop in the cul-de-sac plan being on private property, and they could amend that plan to make it all on HOA property. So in the future if the water line needed to be dug up,

they would not dig up a private backyard. The engineers for the project were also here if there were any further questions.

Mark Smith, 2537 Ridge Road, appreciated everyone's time tonight. He was a little disappointed in the City for wanting to push the through street. They needed to understand this was a PUD, and not normal zoning. For a PUD, reducing or eliminating the inflexibility that sometimes resulted from strict applications of zoning standards that were designed primarily for individual lots, doing a cul-de-sac and not a through road was supported by other ordinances as they looked at it as a whole. He was disappointed they had the narrow blinders on for making that a through street, and as all the other residents said, he supported Arbor Homes' plan. But, their plan had not gone far enough. This was just a concept plan, and he would like to see additional restrictions or standards placed on them. During the 2025 vote, there were four no votes; and of those four no votes, two of them had comments. Councilman Propes said that it would negatively impact the existing neighborhood and environment; and Councilman Walker said it affected the neighborhood, and he was uncertain how many trees would be cut down. Although Arbor Homes came back to meet some of those needs, a lot of the needs still were not met. He encouraged Council to put more barriers or boundaries for Arbor Homes to meet, and he did not think either plan that was presented was quite there yet. They could improve as a City and as a community to put a better plan together that met more of the community's needs. He reiterated the review criteria was different for a PUD versus regular zoning. And one of those criteria specifically pointed out the proposed development was not likely to result in insignificant adverse impacts upon the natural environment including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts would be mitigated. As two previous Councilmembers said at the last vote, they voted specifically for that. Nobody was anti-development, and he thought 95% of the residents were fine putting in a development, but he would like to see it go further. It was ironic they were changing the name from Timber Ridge, because they were going to tear down the ridge and the timber that went along with it. Now they would have a grove, and he thought they needed to be more cautious to the environment around there, because the glaciers came through and built that ridge, so he thought it should not be torn down. A lot of residents had talked about the noise barrier, and if it was not for the ridge behind his house, it would be deafening. That ridge was important, and there were plenty of ordinances that supported keeping it. They also needed to look more at the safety of the two entrances. The standards when Timber Ridge was built was having a left turn lane, and he was afraid they would get away from doing any mitigation. He would like to see at least a minimum standard of a left turn lane into any entrances on U.S. 68. That section of U.S. 68 has had five significant accidents in the last five years. They needed to set minimum standards, and it was up to the City to set those standards outside of ODOT's jurisdiction. He appreciated everyone's time.

President Smith closed the public hearing at 6:36 p.m. and entertained comments or questions from Council.

Mayor Reynolds moved to approve Ordinance 2026-31, with the amendment that they go with the developer's original submitted plan with the two entrances onto U.S. 68 and a cul-de-sac at the end of Ridge Road.

President Smith stated there was a motion on the floor to approve the developer's plan. Ms. Fisher said the memo she provided to Council on the process was in the packet, and that would need to

be a motion to amend the Ordinance to approve the PUD Concept Plan as submitted, not as modified by the Planning and Zoning Commission (PZC). President Smith noted Councilwoman Sorice introduced the Ordinance at the last meeting, and he asked if she needed to rescind that motion. Ms. Fisher said they needed to deal with the motion to amend first, and then if Councilwoman Sorice would like to reintroduce, after they did the motion to amend, they would have to take a vote on whether or not it was a matter of substance. If Council was replacing one PUD concept with another, then legally, it probably was. In which case, they would have to schedule it for another public hearing at their next meeting, and they would not take any further action on it at this meeting. The process under the City Charter §502 said if there was a motion to amend an Ordinance and that motion passed, and the amendment to the Ordinance was a matter of substance, which replacing one PUD plan with another was, it was up to Council; but legally, it was probably a matter of substance. Then, it would have to be reintroduced, and a member of Council would have to introduce the amended Ordinance, and it would have to be rescheduled for another public hearing at their next meeting. Vice President Crawford asked if they could add to that amendment. Ms. Fisher noted they were just voting to amend the Ordinance; they were not voting on the actual Ordinance itself.

Motion by Mayor Reynolds, seconded by Vice President Crawford, to amend Ordinance 2026-31. President Smith entertained comments or questions. Ms. Fisher stated the motion to amend was to replace the modified Concept Plan as approved by the Planning and Zoning Commission, with the Concept Plan as submitted by the developer. President Smith explained they were rejecting the City Planner's revision, and going back to the resubmitted plan by Arbor Homes, with the two entrances and no cut through on Ridge Road. Mayor Reynolds agreed with Mr. Sanders. They had talked last year about this, and he had voted no then on the original submitted plan. The main issue they had heard from many of the residents last year and now, was not to connect Ridge Road. A lot of people mentioned trees, birds, bats, etc., but the main issue they faced was the connection of the road. He agreed with the plan to keep Ridge Road closed off with a cul-de-sac and two points of entrance on U.S. 68. He heard what the residents said, measured, and weighed it, and he understood. He was thankful for the developer coming back with the submitted plan, and this was the best way to keep the integrity of Ridge Road and also be pro-growth. With nothing further, the Roll on this was the following:

Ayes: Crawford, Sorice, Huffman, Rubio, Reynolds, Smith
Nays: Mackiewicz motion carried.

Ms. Fisher said Council now needed to take a vote, and there did not have to be a motion or second, but President Smith would ask for a Roll Call vote from Council whether or not this change was a matter of substance. President Smith asked what would happen if it was not considered to be a matter of substance. Ms. Fisher said if they voted no, then it would be introduced, and they would vote on it this evening. Vice President Crawford asked what the criteria was for a matter of substance. Ms. Fisher said a matter of substance would be anything more than a technical change. Most of the people that had spoken tonight had spoken on the modified plan as presented by the PZC. There were some homeowners that lived there that had not spoken, and it would give them a chance to come to speak on what Council was now considering with the two access points. That process was put in the charter in case a major amendment was made to an Ordinance, then the public had the chance to comment on the Ordinance they were voting on.

President Smith asked for a Roll Call vote as to whether the amended Ordinance 2026-31 was a matter of substance. Vice President Crawford asked for further clarification. Ms. Fisher said Council was voting on whether they considered the change to the Ordinance, replacing one Concept Plan with the other, a matter of substance versus just a technical issue. If they voted yes, they were saying it was a matter of substance. If they voted no, Council was saying it was a technical issue. Vice President Crawford asked for clarification regarding the 17 people speaking for the community that Ms. Fisher referred to. Ms. Fisher noted there were homeowners that came tonight and spoke, and Council was changing the plan. There was a motion to amend to change the plan, as PZC approved it, to a different plan. She reiterated there might be some people that did not come tonight to speak. Councilman Mackiewicz stated since both plans were included in the agenda packet, he asked if that mattered to this vote. Mayor Reynolds said both plans were submitted, and one of the two plans would be voted on tonight. Ms. Fisher said the plan that was before Council tonight was the connection to Ridge Road and one cut onto U.S. 68. Council just voted to change that to vote on two cuts onto U.S. 68 and no connection to Ridge Road. It was up to Council, but to her, it seemed to be a pretty big change. Mr. Merriman noted the materials for both options were covered in the PZC meeting, and they have both been included in the materials that had been published publicly twice. This came down to if Council needed to solicit more input from another public hearing process, or if they felt there had been sufficient input or consideration to vote on this change tonight. Ms. Fisher added, and if Council felt that everyone that wanted to comment on the original plan had commented. Mayor Reynolds stated they had gone through this twice, and it was included in the packet. He said Mr. Sanders came out and spoke in favor of the opposite plan, and the residents in Timber Ridge knew what it was. For him personally, he would be voting no on the substantive change. The Roll Call vote was to determine whether the Concept Plan change was a matter of substance. The Roll Call vote was:

Ayes: none
Nays: Crawford, Sorice, Mackiewicz, Huffman, Rubio, Reynolds, Smith

Council's vote determined the Concept Plan change was not a matter of substance. Ms. Fisher said the next step would be whether Councilwoman Sorice wanted to introduce the Ordinance as modified. If she did not want to do that, someone else could introduce.

Motion by Councilwoman Sorice, seconded by Mayor Reynolds, to adopt Ordinance 2026-31 as amended. President Smith entertained comments or questions. Mayor Reynolds stated he heard from the residents about where they stood. Tonight, there were three options: allowing Ridge Road to be connected, which had not been accepted; the compromised plan allowing Timber Ridge to be its own community with its own cul-de-sac and two entrances onto U.S. 68; and the third would be to deny. If this was denied, the developer had the ability to sue; and if they won, they could do the proposed plan and still connect Ridge Road to the new development. This was the best way to protect that community on Ridge Road to have a closed cul-de-sac with the two entrances on U.S. 68. That was why he would be voting yes on the compromised plan. Vice President Crawford said he was in support of that as well. He wanted to do what was best for the entire community, and what was best for the future. He also wanted to leave a legacy where Council made good decisions based on what was best for the community. He knew what it was like to build a home and have things change around them. There were a couple of Councilmembers experiencing similar things on the other side of town; however, he was outnumbered because he did not have a community

backing him. He appreciated everything that everyone had to say today, and noted their comments were valued and respected. With nothing further, the Roll on this was the following:

Ayes: Crawford, Sorice, Mackiewicz, Huffman, Rubio, Reynolds, Smith
Nays: None motion carried.

President Smith called for a three-minute recess at 6:49 p.m. to allow the audience members to disperse. He noted there were several items still on the agenda, and people were welcome to leave or stay. President Smith called the meeting back to order at 6:54 p.m.

B. President Smith presented **ORDINANCE 2026-32 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF XENIA, OHIO, TO REZONE A 121.558-ACRE PROPERTY LOCATED SOUTH OF U.S. ROUTE 42 EAST AND EAST OF 997 N. COLUMBUS STREET FROM A-1: AGRICULTURAL DISTRICT TO SN: SUBURBAN NEIGHBORHOOD DISTRICT,** introduced by Mayor Reynolds on August 27, 2026. President Smith asked Mr. Merriman for a brief summary of this item. Mr. Merriman said on July 9, 2026, City Council approved Resolution 2026-043, which accepted the annexation of 121.558 acres located on the south side of U.S. Route 42 East and east of 997 N. Columbus Street. At the point of annexation, the property was automatically designated A-1: Agricultural District, and the developer was requesting consideration of amending the zoning to re-designate it SN: Suburban Neighborhood District. This was a request that went through the PZC, which held its required public hearing, and they voted to recommend that Council approve the rezoning. Staff endorsed this as well, and tonight's action would be a formal process of the Ordinance to initiate the rezoning process. He added there would be a required public hearing for the item this evening.

President Smith opened the public hearing at 6:56 p.m. and invited those wishing to speak for or against the zoning map amendment to come forward.

Cheryl Marcus, 457 S. Detroit Street, came to speak about this rezoning that would allow approximately 500 new homes to be built in east Xenia. She understood and appreciated the City's desire to offer a diverse housing stock. The community needed to be resilient, balanced, and prepared to welcome families in different stages of life and across different income levels. Thoughtful growth could strengthen Xenia economically and socially, and at the same time, growth must be matched with a concerted infrastructure. If hundreds of new homes were added to the east end, the City must be intentional about making that neighborhood safe, connected, and walkable from the very beginning. This was especially important for children who may be required to walk to and from school. At present, portions of Columbus Pike, or St. Rt. 42, did not have sidewalks, which made that corridor dangerous for pedestrians, particularly children, elder residents, people with disabilities, and families without reliable vehicle access. A safe, continuous pedestrian path along St. Rt. 42 and through the surrounding neighborhood should not be treated as an optional amenity; it was a basic public safety need. A necessary part of responsible development, including sidewalks, crosswalks, traffic calming design, lighting, and safe routes to schools and churches, would help protect children and families, while also creating a stronger and more livable east Xenia. Walkability also brought long-term public health benefits. When children and residents had safe places to walk, they had more opportunities for regular physical activities, which could help lower rates of obesity, improve overall health, and support better mood and wellbeing. A community intentionally designed for pedestrians gave families a practical way to

add healthy routines into their daily lives, and a walkable infrastructure could also support economic development. Safe pedestrian routes were viable for local shops and small businesses to develop in the eastern edge of town. If the City of Xenia wanted this proposed development to become a thriving neighborhood rather than simply a collection of houses, then people must be able to safely move through it, gather in it, and support businesses within it. There were also significant social benefits of sidewalks and safe paths. They strengthened neighbor-to-neighbor connections, and helped combat loneliness by creating natural opportunities for people to see one another, greet one another, and build relationships. She urged the Xenia City Council to be intentional, judicious, and compassionate as this rezoning proposal moved forward. She concurred that Xenia needed to grow economically, and she implored Council to prioritize equity, economic dignity, and community-led development. They needed to recognize those within the community who were most vulnerable; their needs must be included in the planning process, not added later as an afterthought. Housing growth and a walkable infrastructure should advance together. If Xenia chose to expand in east Xenia, she would advocate for that, but they should do so in a way that reflected the dignity and needs of all residents. She asked what the plan was to include vested citizens in the planning process and the plans for creating an infrastructure that met the needs of pedestrians.

Richard Buford, 1259 June Drive, said in looking ahead regarding the planned Trailside Run development being prepared by Rockford Homes, his concern was the plan for the necessary physical infrastructure required to support this new housing development. He wondered if the water, sewer, electricity, and streets necessary would impact existing streets. He asked what the environmental impact differences would be between the existing neighborhood and this proposed development. He questioned who would be financing this project, and if the financing would come in the form of taxes from the entire community or from the existing neighborhood. His concerns may be premature, but they must be addressed early in this process. Answers to such concerns must be key factors in Council's decision-making process, and they must be honest about the impact on the existing and surrounding neighborhood. He prayed Council would be forthcoming and transparent in providing ongoing information for the greater community up front and not after the fact.

Kathryn Wilson, 626 N. Columbus, First United Christian Church, thanked City Councilmembers for allowing her to speak about the proposed rezoning for east Xenia that would not only allow for approximately 500 new homes to be built, but that planned to incorporate the existing Lexington Park into that proposal. This was information they received as church leaders when they attended the PZC public hearing on August 12th. If rezoned Suburban Neighborhood, the new development would be adjacent to and connect along the western edge of Lexington Park, a community landmark and legacy of the east Xenia community since 1935. Over the years, Lexington Park had become part of the ethos and life of east Xenia residents, and at one time, the only place where this community could gather, share, celebrate, and feel a sense of belonging; it was a cherished landmark with a lot of history. She was an advocate for housing development in Xenia, and she understood and appreciated the City's desire to offer diverse housing. She believed incorporating Lexington Park in the plans for this development could bring new life and energy as well as renew its legacy as a community gathering space, positively impacting the lives of children, families, and neighbors. It could be a space where the present east Xenia neighbors and its new neighbors all felt welcome with a sense of belonging, and where no one felt pushed out of the public space that

had always been part of the community they called home. People were created to live in community and harmony with one another; however, in the current created ethos which they now lived, it became easier to decide who was in and who was out, who belonged and who did not, and who mattered and who did not matter. The plans to encompass the park as part of the development if rezoning was approved, she asked what intentional efforts would be included in the decision making by City Council, the developer, and community leaders to integrate the residents of these two quite different communities together so all would be welcomed in this shared space. She encouraged everyone to not forget that everyone belonged, engaged, and interacted as one embodied community. Rezoning could provide new avenues of being neighbors, and she asked Council to consider the seriousness of how they brought people together in a united community.

Kevin Cooper, 286 E. Church Street, thanked Council for affording him the opportunity to speak with them. As Xenia continued to grow and new housing developments were proposed, he supported responsible development that strengthened the community. However, it was important that existing homeowners understood the possible financial impact of that growth. New development could increase the community's tax base, but it could also create additional costs for roads, utilities, public safety, schools, parks, and other services. Before approving or expanding a development, he suggested the City officials clearly explain how those costs would be distributed and whether existing homeowners could experience higher property tax obligations as a result. Growth should benefit the entire community, not place an unfair financial burden on the homeowners who were already there. With the proposed new housing development in Xenia's east end, he asked how the additional homes and increased demand for City services would affect the property taxes of existing homeowners in the surrounding community. He wondered if existing homeowners would see an increase in their property taxes to pay for the infrastructure, roads, police and fire protections, schools, utilities, and other services associated with the development.

Marsha Bayless, 518 E. Church Street, expressed concerns about the potential land development in the east end of Xenia, just north of her 100+ year-old generational home. She was particularly concerned about how this development might affect the existing east Xenia neighborhood and its residents. Over 500 new homes would create a diverse and somewhat inclusive connection between current residents and the new community, promoting economic, social, and supportive interactions. However, integrating an older lower- to mid-income neighborhood with a new mid- to upper-middle income community presented significant challenges. This integration required careful consideration due to the economic disparity between the two neighborhoods, as the high-value community developed. Nearby older neighborhood residents may face rising property taxes and increased living costs, potentially leading to displacement for renters or those unable to afford gentrification. They would need to guard against cultural and social tensions between the two if long-term residents felt marginalized. Infrastructure and development pressures could strain the older neighborhood, requiring costly upgrades to roads and utilities, which may result in increased traffic, overcrowded schools that would lead to redistricting, and overextended municipal resources. Ensuring successful integration strategies such as inclusive planning, affordable housing initiatives, community building programs, and equitable access to amenities was essential. A delicate balance of economic, social, and political considerations must be made. Successful integration was possible when development focused not only on physical revitalization, but also on fostering equity, inclusivity, and respect for the existing community.

Pat Olding, Land Acquisition Manager, Rockford Homes, 440 Polaris Parkway, Westerville, Ohio, said while what was in front of Council was specifically focused on the rezoning, he wanted to touch on some of the things within the comprehensive plan, the City's neXtPlan. Notably, this site was not specifically called out within the neXtPlan, as when that plan was created this was not within the City limits. However, a lot of the surrounding parcels called for suburban neighborhoods with residential use at two to four units per acre, which was what they intended to propose with the density being below three units per acre. Additionally, the neXtPlan called for Lexington Park activation and expansion as well as connection with the trail system. Their proposed plans were to incorporate additional land into Lexington Park. He knew this plan had sparked some conversations within the City and Council about some activation of Lexington Park and upgrades to some of the facilities there, and they planned to connect the existing trail to Lexington Park as well as to the Ohio Erie Trail on Old 35. Another point within the neXtPlan specifically stated screening of a proposed solar farm on the easternmost parcel, and then said rezoned residential if the project failed to proceed. Obviously, that solar farm project did fail to proceed, and tonight they were proposing to rezone that land. He knew one piece of the proposed solar farm was incorporated in the City, and was already zoned in the Suburban Neighborhood District. They were proposing to rezone that additional piece. Specific to the site plan presented at the PZC meeting in July, there was a preliminary plat that was conditionally approved on this rezoning being approved tonight. He was happy to talk with any neighbors about that plan as they moved forward. That was just a preliminary plat, and they would eventually have to submit a final plat for the subdivision. There was still input that could be made, and they would be happy to have conversations with some of the neighbors within the community.

Mr. Merriman noted there were a lot of very salient and excellent points raised by some of the residents, and a lot of these points were part of a broader discussion between staff and Council, including a Work Session after the last Regular Session where they talked about strategies for growth management. Because the City was at a juncture where they needed to be thoughtful about the types of development, the pace of that development, how that development was served, and how it should bring value to the community. They had talked about some policies that would address that pace of development; and the City Planner took some digs tonight, but one of his key roles was helping to protect the integrity, the spirit, and the property values within neighborhoods. As each of these development opportunities came forward, part of the charge he had was to think about how they interconnect, to protect the historic nature of neighborhoods, and ensure that the quality of development coming in was adding value. These were all salient issues that staff had discussed. As part of the code requirements, any developer coming into the community was required to cover the cost for the installation of streets and utilities sufficient to serve that neighborhood. In this particular area, things like pump stations for water, lift stations for sewer, streets, curbs, and sidewalks, it was part of the responsibility for the developer to ensure that existing taxpayers would not have to pay for that. Staff had talked with Council about the pace of growth, and how they were going to have to make investments in things like utility systems. They were going to need a water tower on the east side of Xenia with the amount of growth and the pressure in the system. These were needs that existed today that would be enhanced, not just needs that were created because of development; those neighborhood infrastructure costs were covered by the developer. Interconnectivity was important, and from a transportation and multi-use trail standpoint, they wanted to make sure they were getting as much interconnectivity as possible. They did not want to isolate neighborhoods; they wanted them to be walkable and easy to access

through various modes of transportation. It was also important to point out the policy of Council had not just been development in virgin territory, but they had placed a heavy emphasis on infill redevelopment. A number of initiatives had been pursued on the east side of Xenia to try and promote reinvestment and infill redevelopment. A couple of years ago, there was a comprehensive restoration of utilities and roadway done on E. Second Street. There had been some active infill development, and staff was very aggressive in working with the county on tax foreclosures and through City programs to try and market properties to the scale and character of that older neighborhood. Council had been very thoughtful in looking at how they could reinvest in the current neighborhood, and how these new neighborhoods could connect to the existing historic neighborhoods. That type of development was valuable to the community, and it added valuable tax base, workforce, and consumers that would help expand the retail sector. There were layers of benefits to this type of development, and it was well-suited and well-situated for this particular location. There was also an opportunity to see some reinvestment and expansion of Lexington Park, which had been needed for many years, through this process of seeing the adjoining neighborhood grow, as well as the connectivity for both neighborhoods through that park. A lot of good points had been raised tonight, many of which Council had discussed as part of this process.

Councilman Mackiewicz asked if the street width had been decided for the new subdivision. On his side of town, Colorado Drive was fairly wide, and people treated it as such, driving 50+ mph at time. He wanted to make sure they did not run into the same situation with the new development. Mr. Merriman said they were still at the Concept Plan phase, and there would be additional iterations of the plan as it went through the process. Mr. Forschner said the street standards now for local streets required a minimum width of 30 ft., and that was nowhere near the width of Colorado Drive. He did not believe there would be interest in creating streets of that width in this neighborhood. He thought the minimum standard of 30 ft. would be applied throughout the whole neighborhood, and they would all be considered local streets.

Vice President Crawford asked Mr. Merriman to speak more about the new proposed water tower, and he asked if there was water in the tower on Patton Street. Mr. Merriman said two of the three tanks did hold water, but the tanks on Patton were what they called standpipes, which did not help with pressure, just with total volume in the systems so they had additional water on hand. One of the three tanks was historic, and that was not in active use today, but they did maintain it. Staff had discussed with Council the need to look at the installation of an additional water tower on the east side, and that was in part because of additional development, but also because of a need to make sure pressure on the east side was maintained well above the minimum standards. Staff and Council had talked about strategies to pay for that, including impact fees and tax increment financing. He anticipated this would be a project they would probably have to pursue in the next couple of years, and it would be part of the final budget and Capital Improvement Plan discussion they presented to Council every fall.

Mayor Reynolds said he knew most of the residents in the room, and he understood their concerns. He talked with former Mayor Bayless earlier, and he apologized for not being more communicative to everyone about what potentially was going in there. He knew that was a concern, and he was willing to host a town hall with all of them to have discussions and answer questions. That was something he had done across the community this whole year as Mayor. He supported them, and noted they were his neighbors, as he lived on E. Third Street. He loved this town, his neighbors,

and how active they were in the community. As far as some of the concerns, Mr. Merriman had mentioned the water and infrastructure were being taken care of by the developer. He was happy about the investments that could potentially come to Lexington Park, and he wanted to make sure the historic feel to the park was kept, but with updates for the kids that lived in the east end. He noted he went to Lexington Park two weekends ago, and he understood the great, historic, and significant value it was to the east end community.

Vice President Crawford thanked the audience, and noted their points were well taken. He had lived in the east end for 40 years, and he had represented clients that were looking to retire and leave the east end. The east end had benefitted when appraisers came in to assess the value of an east end home. An efficient appraiser could go out a mile from that location, and the east end was benefitting from those values to the north, downtown, and some of the south side area. So putting new housing, new construction, and new development next to an older development helped. More people were trying to get into the area, and there was a demand for east end housing.

President Smith closed the public hearing at 7:26 p.m. He noted there were a lot of times these projects did not come to City Council until they went to the Planning and Zoning Commission (PZC) first. This item did come up last month at the PZC meeting, and that was why they did the public hearing. They wanted to give everyone an opportunity to voice their opinions and concerns. In that PZC meeting, he thought most of the members of the citizen-run committees were thrilled that there was a developer willing to invest in the park and a water tower along with the infrastructure. Regarding one of the comments made about who would pay for those streets, it would be the developer. He noted Council took in all considerations when they made decisions. He entertained further comments or questions from Council. Hearing none, he entertained a motion on Ordinance 2026-32.

Motion by Mayor Reynolds, seconded by Councilman Rubio, to adopt Ordinance 2026-32 as presented. President Smith entertained comments or questions. None were presented. The Roll on this was the following:

Ayes: Crawford, Sorice, Mackiewicz, Huffman, Rubio, Reynolds, Smith
Nays: None motion carried.

C. President Smith presented **ORDINANCE 2026-33 AMENDING ORDINANCE 2026-20 TO CORRECT THE ANNEXATION PLAT AND LEGAL DESCRIPTION, AND DECLARING AN EMERGENCY.** President Smith asked Mr. Merriman for a brief summary of this item. Mr. Merriman said on June 11, 2026, Council adopted Ordinance 2026-20, which authorized the annexation of Central State University. Attached to that Ordinance, as Exhibit A, was an annexation plat and legal description of the territory to be annexed that were provided by CSU. When the plat and legal description were presented to the county for initial review, however, a couple of errors were found. CSU had its surveyor correct those errors, and the City obtained a final Greene County Tax Map approved plat and legal description. As the approved plat and legal description that would be filed with the annexation petition did not match the plat and legal description that Council approved as Exhibit A to Ordinance 2026-20, this Ordinance was necessary to amend Ordinance 2026-20 to replace the incorrect plat and legal description with the correct ones. This Ordinance was being presented as an emergency to allow both parties to meet their contractual obligations under the Pre-annexation Agreement within the timeframes set forth

in the agreement. He anticipated the county would take action on the petition before this emergency Ordinance would expire. This item was basically some housekeeping to correct changes in the plat and legal description.

President Smith entertained comments or questions. Hearing none, he called for the adoption of Ordinance 2026-33.

Motion by Vice President Crawford, seconded by Councilwoman Huffman, to adopt Ordinance 2026-33 as presented. President Smith entertained further comments or questions. No comments followed. The Roll on this was the following:

Ayes: Crawford, Sorice, Mackiewicz, Huffman, Rubio, Smith
Abstain: Reynolds
Nays: None motion carried.

Mayor Reynolds noted he abstained from the vote due to his employment with the State of Ohio.

(8) NEW BUSINESS:

A. Introduction of **ORDINANCE 2026-34 AMENDING SECTION 241.05 OF THE CITY'S ADMINISTRATIVE CODE, REGARDING THE XENIA POLICE CADET PROGRAM.** President Smith asked Mr. Merriman for a brief summary of this item. Mr. Merriman said this would amend the portion of City code that authorized the Police Cadet Program to include provisions for compensation and benefits for the position. The Police Cadet Program was authorized by City Council in 2022 with the adoption of Xenia City Code (XCC) §241.05, by which the role of Police Cadet was created as an unclassified, non-union, temporary position for the purpose of aiding in the recruitment of prospective officers who had not yet successfully obtained their Ohio Peace Officers Certification. By policy, upon certification, the Cadet was reclassified as a sworn Police Officer, who was then recognized as a bargaining unit member under the Collective Bargaining Agreement (CBA). Under the CBA between the City and the Xenia Police Officers' Association, only full-time, certified, and sworn Police Officers were recognized as members of the union. During recent labor negotiations, the union declined to recognize the position of Police Cadet as a bargaining unit member covered by the CBA. The City and the union did agree that applying the compensation and benefits reflected in the CBA to the position of Police Cadet was vital in recruiting applicants for the Police Cadet program and maintaining quality applicants for these opportunities. Staff was recommending Council amend XCC §241.05 to clarify that Police Cadets would be subject to the terms, conditions, compensation, and fringe benefits of the CBA between the City and the Xenia Police Officers' Association, except for the grievance procedure outlined.

President Smith entertained comments or questions. Mayor Reynolds asked if this would bring the Police Cadets into the union. Mr. Merriman said no, they would remain outside of the union, but this adopted a consistent compensation and benefits plan that mirrored what was in the bargaining unit, and they would be outside until they were certified and officially sworn in.

Hearing nothing further, President Smith called for the introduction of Ordinance 2026-34 as presented.

Mayor Reynolds introduced ORDINANCE 2026-34 AMENDING SECTION 241.05 OF THE CITY'S ADMINISTRATIVE CODE, REGARDING THE XENIA POLICE CADET PROGRAM.

B. Introduction of **ORDINANCE 2026-35 AUTHORIZING THE SALE OF CITY-OWNED PROPERTIES LOCATED AT 414 E. THIRD STREET, 422 S. DETROIT STREET, 557 E. MARKET STREET, 652 E. CHURCH STREET, 491 & 499 E. SECOND STREET.** President Smith asked Mr. Merriman for a brief summary of this item. Mr. Merriman said this Ordinance authorized the sale of six properties the City acquired through tax forfeitures. These properties would be sold in accordance with the City's Home Preservation Program (HPP). Staff used various marketing efforts to advertise these properties to builders interested in building owner-occupied homes on the six vacant lots. Multiple proposals were received, and after careful evaluation, staff recommended, with the endorsement of the Council Property Management Committee, that City Council approve the sale of the following properties to the following buyers:

GG Custom Homes, LLC:	414 E. Third St.	$1,500
	422 S. Detroit St.	$4,000
	557 E. Market St.	$3,000
Copley Construction, LLC:	652 E. Church St.	$9,000
	491 & 499 E. Second St.	$9,000

President Smith entertained comments or questions. Vice President Crawford wondered if the City broke even on the property sold for $1,500. Mr. Merriman pointed out that many of these properties would have had additional back taxes, etc., which had all been wiped through the tax foreclosure process. These price points were vetted through the Property Management Committee, and determined through that group. Vice President Crawford noted when they sold something for $1,500 to $4,000, it was well below market value. Mr. Merriman said when the City received a property through the tax foreclosure process, they were receiving it free and clear of any encumbrances on the property. Essentially, all of the indebtedness to these properties had already been wiped clean. Ms. Fisher noted court costs were all the City paid. She explained when they took a property through forfeiture, she sent letters to all the taxing entities, including the schools, Greene County, the health district, the park district, and the library district. She asked them to waive the back taxes the entities were owed on the property, and to date, every taxing entity had been very supportive. They always agreed to waive those back taxes, which allowed the City to take those properties free and clear, and then hopefully turn them back into some kind of tax-paying status. When the City took them, those taxes were still owed, but they were lucky their partners had always agreed to waive those delinquent taxes they were owed. Mr. Merriman noted the goal was trying to remove every barrier they could to see some infill development. By eliminating any of those tax liens on the property and then making them available at a lower cost, it promoted that redevelopment. Through the HPP, they could not just sit on the property. There had to be a single-family, owner-occupied home constructed at that location. Mayor Reynolds was excited to see the infill development, especially on the east end where he lived. On E. Second Street, there were at least five, and now there would be one down the road. Mr. Merriman stated Council should be applauded for it, because this program was working. They were seeing investment and infill redevelopment in locations that he was not sure would ever see it. To Council's credit, they had implemented policy that was effective. Mayor Reynolds noted the

houses that were going up were beautiful, including one on the corner at E. Second Street. There were others in his neighborhood, and when he first moved into his house, those were just empty lots with trees.

Hearing nothing further, President Smith called for the introduction of Ordinance 2026-35 as presented.

Councilwoman Sorice introduced ORDINANCE 2026-35 AUTHORIZING THE SALE OF CITY-OWNED PROPERTIES LOCATED AT 414 E. THIRD STREET, 422 S. DETROIT STREET, 557 E. MARKET STREET, 652 E. CHURCH STREET, 491 & 499 E. SECOND STREET.

C. RESOLUTION 2026-050 AMENDING RESOLUTION 2024-021, AS AMENDED BY RESOLUTION 2024-30 AND RESOLUTION 2025-006, ESTABLISHING THE 2024 – 2027 PAY PLAN FOR CITY EMPLOYEES. President Smith asked Mr. Merriman for a brief summary of this item. Mr. Merriman said this was related to the prior item this evening. Since 2014, compensation for the non-certified Officers had been addressed in the CBA between the City and the Police, and this measure would establish within the pay plan the necessary wage benefits, etc., based on the agreement with the Officers' union. Staff recommended the inclusion of the Police Cadet position into the City's pay plan with wages that would have an amount 5% less than the current annual first step for Officers. In conjunction with the previous measure, this would establish within the pay plan, a margin for the Cadets so they would be below the first step of an Officer, until they were sworn in. This was an additional housekeeping step in conjunction with that previous item.

President Smith entertained comments or questions. Hearing nothing further, President Smith called for a motion to pass Resolution 2026-050 as presented.

Motion by Mayor Reynolds, seconded by Vice President Crawford, to pass Resolution 2026-050 as presented. No comments followed. The Roll on this was the following:

Ayes: Crawford, Sorice, Mackiewicz, Huffman, Rubio, Reynolds, Smith
Nays: None motion carried.

(9) APPOINTED OFFICIALS' REPORTS

President Smith asked the Finance Director for his comments. Mr. Duke said he had nothing for Council this evening, but he was happy to answer any questions. President Smith said he appreciated the monthly Finance report, and noted it was not pleasant, but it was realistic. Mr. Duke said some of those things were timing, including property tax, SRO payments, etc., and the numbers would start looking better through September, but the income tax was the primary item lagging behind. That had not met the expectations they were hoping to meet at the beginning of the year, but there were still four months left. He thought they were slightly ahead of where they were last year in September, but he did not think one month would make up all of the ground they were behind. It was trending in the right direction, so he did not think it was time to press the panic button. Some of these things would work themselves out, but they certainly were behind where they had hoped to be. President Smith understood that on a calendar basis, timing was everything.

He asked how they were doing as a community as far as consumer spending as a whole and if the national average was down. It seemed with fuel prices being so high, something had to give. Mr. Duke said he did not have those numbers, but he could take a look. He did not know to what extent he would be able to focus specifically on Xenia for consumer spending, but the county might have some information on sales tax that could help them to understand some of that. Vice President Crawford asked when the deadline was for late tax filing. Mr. Duke said it was congruent with the federal deadline, which was October 15th. He noted they might see a little bump there since there were businesses that had typically done well, but had not filed yet. There would be some recovery, but they were not where they had hoped to be at this point in the year from an income tax revenue standpoint.

President Smith asked the Law Director for her comments. Ms. Fisher said the City Clerk let her know they had received the sample ballot language on the charter amendments from the Board of Elections. There had been one section where there was a typo, and a word was added that changed the meaning a little bit, so it was not what Council had approved. She did write up a response for them to remove the added word, and the Board of Elections would vote on the ballot language next week. Other than that small item, it all looked good. President Smith asked as elected Councilmembers, how they could educate voters. Ms. Fisher said there were a couple of requirements in the state constitution itself. Staff would be taking out a full page ad or sending a mailing to every registered voter in the City. Last time, they took out a full page ad in the Xenia Gazette outlining the changes with the reasoning, and added flyers to the utility bills. These were not tax levies; they were charter amendments, so Council could support them. The process that controlled the charter and changing the charter was in the state constitution, so it differed from levy issues. She would keep Council informed as she and Ms. Brown worked on getting that information out. She also hoped the Public Relations Coordinator would use social media to get that word out as well.

President Smith asked the City Manager for his comments. Mr. Merriman said there would be a 9/11 remembrance ceremony tomorrow morning, and he invited Council and the general public to attend. It would be outside the City Administration Building at 107 E. Main Street around the flag pole, beginning promptly at 8:40 a.m. This would be a fairly brief ceremony with a moment of silence, words by Mayor Reynolds, clergy offering prayer, and a song tribute by Greene County Commissioner Sarah Mays. This would just be taking a few moments to recognize the lives that were lost, the first responders, others that helped in the recovery, and all those that served in the War on Terror. President Smith thanked Mr. Merriman and staff for the efforts they put into the Special Council meeting last week.

(10) COUNCIL COMMENTS & REPORTS:

Councilman Mackiewicz thanked everyone for coming out today. It was a long meeting and he appreciated all the input given, because it helped Council make better decisions. He was happy to report that milling had begun in the Sterling Green area, and asked how long it was between the milling and paving. Mr. Merriman said it was usually a week or two, weather dependent. There was a milling crew and a paving crew that went from community to community doing the milling first and then the paving.

Councilwoman Sorice said she had a great time at One Bistro, helping to serve for Everybody Eats Week. She had never worked so hard in her life, and she had an excellent time. Everyone was great that came out, and she had met people that she had never met before. There was a lot of energy, and a lot of donations came in. It was fantastic how people were willing to give, and they were all very patient because so many people were there. It was a great experience. Vice President Crawford stated the event was well-attended. There was a brief discussion among Councilmembers about all the people that came out for the event. Councilwoman Sorice reported they had the last Movie Night in the Park; and the movie, *King David*, was shown. She and Mayor Reynolds passed out popcorn and sno-cones to kids and adults. There were teens hanging out, and they ended up joining in and sat with the kids. It was a wonderful, fun experience, and she appreciated everyone that came out and participated.

Councilwoman Huffman reported several Councilmembers had been involved in some additional meetings over the past couple of weeks. She appreciated everyone coming out tonight, and the City was in a constant state of growth these days. While they saw all the opportunity, they also needed to hear the input and feedback on some of those potential setbacks. Property values going up might be a good thing, but if someone could not afford to live where they lived anymore, and they did not want to move, that was a problem to her. She appreciated the feedback and encouraged continued conversations about growth. She was always happy to have those conversations.

Councilman Rubio said food service was not for him, and it was very difficult memorizing orders at the Everybody Eats Week event at One Bistro; however, Councilwoman Sorice had three plates on one hand, and killed it. He saw the milling had begun and it made his day; he thanked Mr. Merriman and staff. For all the meetings they had, they were after results, and he appreciated his fellow Councilmembers.

Vice President Crawford said this was a good Council, he enjoyed it, and he loved the Mayor. He attended the event at One Bistro, and normally he washed dishes. This time, he served, and he appreciated the comradery he and his fellow Councilmembers had in working together. He valued servers, and he took that skill for granted. He watched the way President Smith worked and served, and everyone was helping and looking out for each other.

Mayor Reynolds shared a brief story about a pancake order mix-up that he had with Vice President Crawford at the Everybody Eats Week event at One Bistro. It was an excellent time, and they did not win, but they came in a strong second. On the day for orders, they hit a record for One Bistro during their time; they just lost on the donation end, but not by much. He was thankful for everyone on Council who came out and helped. They had the greatest Council, he loved serving with them all, and it had been a privilege and honor to do so. Some people might be wondering why he was wearing a Beavercreek polo shirt. He made a bet with the Mayor of Beavercreek at the Xenia Backyard Battle football game with Beavercreek. If Xenia won, the Mayor of Beavercreek would provide treats from Beavercreek as well as wearing a Xenia polo. If Beavercreek won, he would wear a Beavercreek polo and provide treats from Xenia. Unfortunately, Xenia lost by one, so he was upholding his end of the bargain. He was wearing a Beavercreek polo for the first and only time. He reported X-REC was cancelled due to a lack of agenda items. He noted the Heart of Opportunity Tour came through the region with the Governor and Lieutenant Governor, who talked about Ohio being ranked number one in the country for business. It was a great tour to be a part of, and it was great to see all of the regional elected officials, county commissioners, and

people in the business industry. Tomorrow was the 25th anniversary of 9/11, and everyone remembered where they were that day. It was his generation's view of what would be Pearl Harbor, a day that would live in infamy, and it was a terrible attack on the country by 19 Al-Qaeda terrorists who hijacked four planes. They should never forget what happened that day, but they must also remember the next day which showed unity from their fellow countrymen. Abraham Lincoln once spoke about the bonds of affection that must not be broken, and they were not enemies, but friends. They must continue to live by that statement and example as elected officials and as good people.

President Smith thanked the Mayor and the entire Council for how busy they were, and he appreciated the extra meetings and the volunteerism from the members. There was no place like home, and as they saw tonight, there were two items on the agenda which showed a lot of people wanted to call Xenia home. Frankly, he was quite proud of that, because during his first ten years on City Council, they saw maybe three or four PUDs come across the agenda. Many of those never even came to fruition, and it was great to have developers that were not only interested in the community, but also worked with staff to provide the necessary infrastructure needed to put in good communities. This was happening not just in one area of the City; it was happening across the northeast and the south part of the City. The growth was not concentrated to just one area; it was the entire community. He thanked City staff, the City Planner, and those that were investing in the community. There were a lot of people in attendance tonight, and maybe not everyone liked all of their decisions, but everyone was very welcome at the City Council meetings. All of the elected officials wanted to be as transparent as possible, and they were also open to suggestions and comments. He did not like to shut anyone down even when they went past a three to four-minute time limit, because he did not want to disrespect them. They also had to run a meeting, and he thanked everyone for allowing him to run the meeting with some order and respect on both sides of the table. He recommended everyone visit the 9/11 Memorial at Ground Zero in New York City. It would probably make people sad, then mad, as a citizen that the country was so vulnerable on 9/11 and so many innocent people died. It was very tragic, and he hoped it would never be repeated in the history of the country. He remembered turning on the radio and hearing about it, because this was before cell phones and social media. He prayed for families still having a tough time dealing with it even 25 years later. He thanked everyone in the audience tonight for being at the meeting, and he thanked Council for their dedication to the community.

(11) EXECUTIVE SESSION: President Smith said an Executive Session was not needed this evening.

(12) ADJOURNMENT: Motion by Mayor Reynolds, seconded by Councilwoman Sorice, to adjourn the Regular Meeting at 8:00 p.m. No discussion followed. The Roll on this was the following:

Ayes: Crawford, Sorice, Mackiewicz, Huffman, Rubio, Reynolds, Smith
Nays: None motion carried.

Amy E. Brown
City Clerk

Wesley E. Smith
President, Xenia City Council

XENIA CITY COUNCIL
LEGISLATIVE COVER MEMO

Procedural History & Timeline:

Admin. Steering Committee:	September 8, 2026
Introduction:	September 10, 2026, by Mayor Ethan Reynolds
Public Hearing & Vote:	September 24, 2026
Effective Date:	October 24, 2026

Agenda Item: **ORDINANCE 2026 – 34**
AMENDING SECTION 241.05 OF THE CITY'S ADMINISTRATIVE CODE, REGARDING THE XENIA POLICE CADET PROGRAM

Submitted by: Jackie Potter, Administrative Services Director
Presented by: Brent Merriman, City Manager

Summary: Beginning in 2014, noncertified police officer compensation was reflected in the collective bargaining agreement (CBA) between the City and the Xenia Police Officers' Association. Since then, the labor market has forced the City to hire and train applicants who are not yet certified as police officers. This is done through the Police Cadet Program that Council authorized the Police Division to establish pursuant to Xenia City Code § 241.05, adopted in 2022, and with the addition of the police cadet position to the City's Organizational Plan as an unclassified, non-union position. Under the Program, the position of police cadet is held temporarily until such time the cadet successfully obtains his/her Ohio Peace Officer Certification. Upon certification, the cadet is reclassified as a sworn police officer, who is then recognized as a bargaining unit member under the CBA.

Under the CBA between the City and the Xenia Police Officers' Association, only full-time, certified and sworn, police officers are recognized as members of the union. During recent labor negotiations, the union declined to recognize the position of police cadet as a bargaining unit member covered by the CBA. The City and the union did agree, however, that applying the compensation and benefits reflected in the CBA to the position of police cadet is vital in recruiting applicants for the Police Cadet Program.

Therefore, staff is recommending Council amend XCC § 241.05 to clarify that police cadets will be subject to the terms, conditions, compensation, and fringe benefits of the CBA between the City and the Xenia Police Officer's Association, excepting the grievance procedure outlined. Because the position of police cadet is not a recognized bargaining unit position, and because the position is unclassified, a cadet cannot legally resolve matters through the CBA's grievance procedure.

Cover Memo Attachments: N/A

Budgetary Impact: None

Vote Required for Adoption: The affirmative vote of a majority of the members of Council present at the meeting, per Charter § 5.02(E).

Recommendation: It is the recommendation of the Administrative Steering Committee that Council adopt Ordinance 2026-34, to amend Section 241.05 for the reasons stated above.

CITY OF XENIA, OHIO
ORDINANCE 2026 – 34

AMENDING SECTION 241.05 OF THE CITY'S ADMINISTRATIVE CODE, REGARDING THE XENIA POLICE CADET PROGRAM

WHEREAS, this Council, by the adoption of § 241.05 of the City's Administrative Code, as contained in the Xenia City Code (XCC), authorized the Xenia Police Division to establish a Police Cadet Program in order to employ persons at least eighteen (18) years of age for the purpose of training them to become police officers;

WHEREAS, Xenia City Charter §10.06 requires this Council to establish the rate of pay and any fringe benefits for all City employees;

WHEREAS, the Administrative Steering Committee has recommended to this Council an amendment to XCC § 241.05 to establish that certain terms, conditions, compensation, and fringe benefits set forth in the Xenia Police Officers' Association collective bargaining agreement shall apply to the position of Police Cadet; and

WHEREAS, this Council finds it in the best interests of the health, safety, and welfare of the City and its inhabitants to make the amendments to XCC §241.05 recommended by the ASC,

NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS, at least four (4) members of the City Council concurring, that:

Section 1. Section 241.05 of Chapter 241, titled "Police Division," of Title Six: Administrative Code, of Part Two – City Government, of the Xenia City Code is hereby amended, as shown in the attached Exhibit A.

Section 2. Existing Section 241.05 is hereby repealed.

Section 3. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted 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 4. This Ordinance shall become effective on October 24, 2026.

Introduced: September 10, 2026
Adopted: September 24, 2026

Wesley E. Smith
Xenia City Council President

Attest:

Amy E. Brown
City Clerk

241.05 POLICE CADET PROGRAM.

(a) Establishment. The Police Division is hereby authorized to establish a Police Cadet Program and employ persons as police cadets at age eighteen (18) for the purposes of training persons to become police officers. Any person participating in such Police Cadet Program shall not be permitted to carry or use a firearm in the performance of the person's duties, except that the person may be taught the proper use of firearms as part of the person's training.
(*Statutory reference: ORC 124.41*)

(b) Employment. The position of police cadet shall be filled competitively and, in accordance with Section 7.01 of the City Charter, police cadets shall be appointed by the City Manager. No cadet shall be appointed as a police officer who does not meet the requirements of Section 241.04.

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

(d) Terms and Conditions of Employment for Police Cadets.

(1) Except for compensation, the employment of police cadets shall be governed by the collective bargaining agreement between the City of Xenia and the Xenia Police Officers' Association, or its successor organization, and Section 260.01(b) shall apply to the police cadets' employment; provided, however, that those terms and conditions in the collective bargaining agreement that cannot be applicable to unclassified employees (such as the grievance procedure) shall not apply. The application of the collective bargaining agreement to their employment shall not grant any right to any police cadet to be a member of the bargaining unit.

(2) Whenever the collective bargaining agreement between the City and the Xenia Police Officers' Association, or its successor organization, is renegotiated, updated, or otherwise modified, the new collective bargaining agreement shall apply to the employment of police cadets as of the effective date of said collective bargaining agreement, subject to the limitations contained in Section 241.05(d)(1).

(Ord. 2022-28. Adopted 08/25/22; Ord. 2026-34. Adopted **/**/26)

XENIA CITY COUNCIL
LEGISLATIVE COVER MEMO

Procedural History & Timeline:

Reviewed by PM Comm.:	August 13, 2026
Introduction:	September 10, 2026, by Councilmember Faith Sorice
Public Hearing & Vote:	September 24, 2026
Effective Date:	October 24, 2026

Agenda Item: **ORDINANCE 2026 – 35**
AUTHORIZING THE SALE OF CITY-OWNED PROPERTIES LOCATED AT 414 E. THIRD STREET, 422 S. DETROIT STREET, 557 E. MARKET STREET, 652 E. CHURCH STREET, 491 & 499 E. SECOND STREET

Submitted by: Ryan Baker, Community Development Coordinator
Presented by: Brent Merriman, City Manager

Summary: This Ordinance authorizes the sale of six (6) properties the City acquired through tax forfeitures. These properties are being sold in accordance with the City's Home Preservation Program. Staff used various marketing efforts to advertise these properties to builders interested in building owner-occupied homes on the six (6) vacant lots. Multiple proposals were received, and after careful evaluation, staff recommends, with the endorsement of the Property Management Committee, that the City Council approve the sale of the following properties to the following buyers:

GG Custom Homes, LLC:	414 E. Third St.	$1,500
	422 S. Detroit St.	$4,000
	557 E. Market St.	$3,000
Copley Construction, LLC:	652 E. Church St.	$9,000
	491 & 499 E. Second St.	$9,000

Cover Memo Attachments: Property Maps

Budgetary Impact: Revenue of $26,500 into 361

Vote Required for Adoption: The affirmative vote of at least four (4) members of Council, per Charter § 4.01(G).

Recommendation: Adopt Ordinance 2026 – 35 to authorize the sale of the City-owned properties located at 414 E. Third St., 422 S. Detroit St., and 557 E. Market St. to GG Custom Homes, LLC; and the sale of the City-owned properties located at 652 E. Church St., and 491 & 499 E. Second St. to Copley Construction, LLC.

414 E Third Street



557 E Market Street



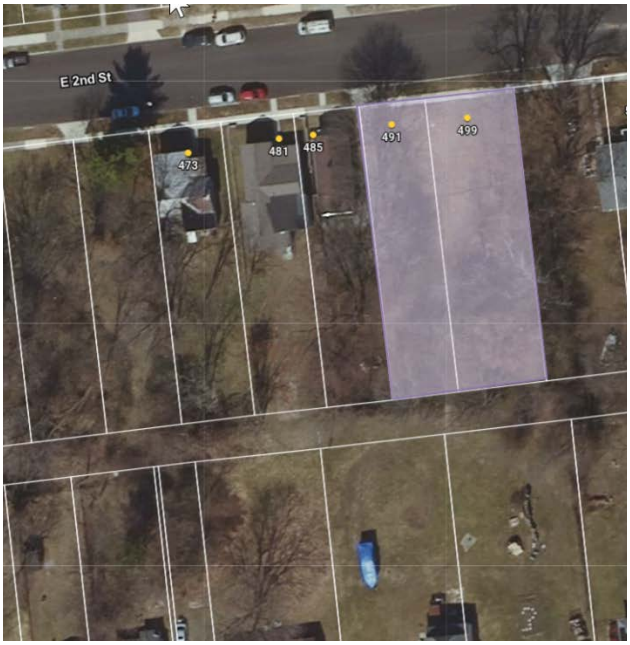
422 S Detroit Street



652 E Church Street



491 & 499 E Second Street



CITY OF XENIA, OHIO
ORDINANCE 2026 – 35

AUTHORIZING THE SALE OF CITY-OWNED PROPERTIES LOCATED AT 414 E. THIRD STREET, 422 S. DETROIT STREET, 557 E. MARKET STREET, 652 E. CHURCH STREET, AND 491 & 499 E. SECOND STREET

WHEREAS, the City acquired 422 S. Detroit St. by forfeiture in 2023 and this Council, by Resolution 2023-047, passed on September 14, 2023, determined that said property was not needed for any municipal purpose and authorized its sale by negotiation or informal bidding;

WHEREAS, the City acquired 652 E. Church St. in 2024 and 557 E. Market St. in 2025 by forfeiture and this Council, by Resolution 2025-022, passed on April 24, 2025, determined that said properties were not needed for any municipal purpose and authorized their sale by negotiations or informal bidding;

WHEREAS, the City acquired 414 E. Third St., and 491 & 499 E. Second St. by forfeiture in 2025 and this Council, by Resolution 2026-032, passed on May 14, 2026, determined that said properties were not needed for any municipal purpose and authorized their sale by negotiations or informal bidding;

WHEREAS, Section 4.01 G.(2) of the City Charter grants this Council the power to convey real property owned by the City upon the adoption of an ordinance approving such conveyance; and

WHEREAS, based upon the recommendation of the Property Management Committee, this Council finds it to be in the best interests of the health, safety and welfare of the City to authorize the sale and conveyance of the City-owned properties located at 422 S. Detroit St., 652 E. Church St., 557 E. Market St., 414 E. Third St., and 491 & 499 E. Second St. through the City's Home Preservation Program,

NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS, at least four (4) members of the City Council concurring, that:

Section 1. The sale of the following City-owned properties to GG Custom Homes LLC, 465 Byers Road, Miamisburg, Ohio, through the City's Home Preservation Program, are hereby approved in the following amounts:

- 414 E. Third St. (Parcel ID M40-0002-0012-0-0262-00) in the amount of $1,500;
- 422 S. Detroit St. (Parcel ID M40-0001-0010-0-0003-00) in the amount of $4,000; and
- 557 E. Market Street (Parcel ID M40-0002-0008-0-0334-00) in the amount of $3,000.

Section 2. The sale of the following City-owned properties to Copley Construction LLC, 1359 E. Main Street, Xenia, Ohio, through the City's Home Preservation Program are hereby approved in the following amounts:

- 652 E. Church Street (Parcel ID M40-0002-0008-0-0135-00 and M40-0002-0008-0-0447-00) in the amount of $9,000; and
- 491 E. Second Street (Parcel ID M40-0002-0012-0-0273-00) and 499 E. Second Street (Parcel ID M40-0002-0012-0-0274-00) in the amount of $9,000.

Section 3. The City Manager is authorized to execute purchase & sale agreements, deeds, and any other documents that may be necessary for the sale and transfer of said properties through the City's Home Preservation Program.

Section 4. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted 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 5. This Ordinance shall become effective on October 24, 2026.

Introduced: September 10, 2026
Adopted: September 24, 2026

Wesley E. Smith
Xenia City Council President

Attest:

Amy E. Brown
City Clerk

XENIA CITY COUNCIL
LEGISLATIVE COVER MEMO

Procedural History & Timeline:

Reviewed by Legis. Review Comm.:	September 1, 2026
Introduction:	September 24, 2026
Public Hearing & Vote:	October 8, 2026
Effective Date:	November 7, 2026

Agenda Item: **ORDINANCE 2026 – 36**
AMENDING CERTAIN SECTIONS, AND ENACTING SECTION 422.18, OF THE CITY OF XENIA TRAFFIC CODE TO BE CONCURRENT WITH STATE LAW THROUGH OCTOBER 6, 2026

Submitted & Presented by: Donnette Fisher, Law Director

Summary: This Ordinance amends certain sections of the Traffic Code to bring the Code current with State law. The amendments based on state law incorporate changes from HB 434 (effective 11/25/25); HB 54 and HB 96 (effective 12/27/25); HB 184 (effective 03/20/26); SB 219 (effective 09/23/26); and HB 492 (effective 10/06/26). The amendments based on state law include:

Title Two – Administration

- Amend § 400.04 to remove requirement that street name signs conform to ODOT's manual.
- Amend § 400.05 to make nonsubstantive change based on change in wording in state law.
- Amend § 402.02 requires drivers and passengers of motor vehicles, motorcycles, under-speed vehicles, motorized bicycles (or mopeds), motor-driven cycles (or motor scooter), ATVs, utility vehicles, mini-trucks and snowmobiles to disclose their names and addresses (and age, unless age is an element of the crime) to any peace officer who has stopped them for a suspected traffic violation.

Title Six – Pedestrians; Bicycles; Motorcycles; and Skateboards

- Amend § 422.10 to make nonsubstantive change based on change in wording in state law.

Title Eight – Operation and Equipment of Vehicles

- Amend § 436.23 to add that a gas and oil permit issued by the state operates as a heavy haul permit.
- Amend § 438.39 to add replica motor vehicle to the vehicles exempt from equipment standards.

Title Ten – Drivers' Licenses; CDLs; Motor Vehicle Licensing

- Amend § 440.03(e) to add a person 21 years of age qualifies as an eligible adult if the temporary instruction permit holder is an emancipated young adult.
- Amend § 440.24 to clarify that ORC 2930.11 (return of victim's property) does not apply to towing and storage fees.

Title Twelve – Parking

- Amend § 454.01(d) to clarify that ORC 2930.11 (return of victim's property) does not apply to towing and storage fees.
- Amend § 454.03(c) to clarify that ORC 2930.11 (return of victim's property) does not apply to towing and storage fees.

This Ordinance also makes several non-state law amendments to Chapter 422 – Bicycles; Motorcycles; Mopeds; Mobility Devices, to address the growing issues within the City regarding e-motos. E-motos are high-powered, lightweight electric two-wheelers (dirt bikes, mini-motorcycles, etc.) that top speeds of 30-60 mph. While there is currently no standalone definition in the Ohio Revised Code (ORC) for these e-motos, they do fall squarely within the ORC's definition of motorcycle – meaning, that a driver's license with a motorcycle endorsement is required to operate an e-moto on the streets and highways. As the operation of e-motos by both adults and juveniles is an evolving problem within the City, we are recommending adding a definition for e-motos to Chapter 422 and adding e-motos wherever the term "motorcycle" appears in that Chapter.

Two other amendments of note include the enactment of § 422.18, which specifically authorizes the impoundment of any bicycle, e-bike, motorized bike, or mobility device by the Police Division, and establishes a process for reclamation of the vehicle by the owner. The second amendment of note is to § 452.17, which specifically creates authority for the Police Division to remove/tow inoperable vehicles that are left on public streets and right-of-ways. The non-state law amendments include:

<u>Title Six – Pedestrians; Bicycles; Motorcycles; and Skateboards</u>

- Amend § 422.03 to move § 422.06(b) here re: lighted lights.
- Amend § 422.04 to change title, add e-moto.
- Amend § 422.06 by moving (b) to § 422.03.
- Amend § 422.07 to add e-motos; add section referencing licensing requirements for motorcycles and e-motos.
- Amend § 422.08 to add section referencing licensing requirements for motor-driven cycles and motor scooters.
- Amend § 422.11(a) to add e-motos.
- Amend § 422.12(b) to add e-motos.
- Amend § 422.13(a) to add e-motos.
- Amend § 422.14 to add e-motos; allow class 3 electric bikes on bike paths and shared use paths.
- Amend § 422.15 to add e-motos.
- Enact § 422.18 to add authority for Police Division to impound bikes, electric bikes, electric personal assistive mobility devices, low-speed micro mobility devices, and motorized bicycles (mopeds). Require notice to the owner for impounded items and process for reclaiming items upon proof of ownership and payment of impound fee. Authorize Public Safety Director to establish reasonable impound fee. Clarify that motorcycles, including e-motos, motor-driven cycles and motor scooters can be impounded as other motor vehicles, unless the cycle was being driven without a license, in which case it should be impounded pursuant to the criminal case.
- Amend § 422.90 to add e-motos.

<u>Title Ten – Drivers' Licenses; CDLs; Motor Vehicle Licensing</u>

- Amend § 440.10 to add definition of "motorcycle."

<u>Title Twelve – Parking</u>

- Amend § 452.17 to add language to prohibit leaving or parking an inoperable vehicle on a street or in a public parking lot; add definition for "inoperable vehicle" to mean incapable of immediate operation.

Cover Memo Attachments:	Handout with examples of the different types of vehicles covered by Chapter 422 of the Traffic Code and a list of state and City requirements regarding the operation of each type of vehicle.
Budgetary Impact:	None.
Vote Required for Adoption:	The affirmative vote of a majority of the members of Council present at the meeting, per Charter § 5.02(E).
Recommendation:	These proposed amendments were reviewed with Council's Legislative Review Committee on September 1, 2026, and the Committee voted unanimously (3-0) to recommend that Council adopt Ordinance 2026-36 to make the recommended amendments to the City's Traffic Code.

CITY OF XENIA, OHIO
ORDINANCE 2026 – 36

AMENDING CERTAIN SECTIONS, AND ENACTING SECTION 422.18, OF THE CITY OF XENIA TRAFFIC CODE TO BE CONCURRENT WITH STATE LAW THROUGH OCTOBER 6, 2026

WHEREAS, Ohio Revised Code §§ 4511.06 and 4511.07 allow this Council to enact traffic laws and regulations that are not in conflict with the general laws of the State;

WHEREAS, the City has in place a Traffic Code, contained in Part Four, Titles Two, Four, Six, Eight, Ten, and Twelve of the Xenia City Code;

WHEREAS, this Council finds it to be in the best interests of the health, safety, and welfare of the residents of the City to update the City's Traffic Code to incorporate changes to bring it concurrent with state law as of October 6, 2026;

WHEREAS, Council's Legislative Review Committee has further recommended certain amendments to the City's Traffic Code to address growing issues within the City regarding e-motos and inoperable vehicles left of public streets and parking areas; and

WHEREAS, this Council finds it in the best interests of the health, safety, and welfare of the City and its residents to adopt those amendments to the City's Traffic Code recommended by the Legislative Review Committee,

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

Section 1. §§ 400.04, 400.05, 402.02, 422.03, 422.04, 422.06, 422.07, 422.08, 422.10(a), 422.11(a), 422.12(b), 422.13(a), 422.14, 422.15, 422.90, 436.23, 438.39, 440.03(e), 440.10, 440.24, 452.17, 454.01(d) and 454.02(c) of the Xenia City Traffic Code are hereby amended, as shown in the attached Exhibit A.

Section 2. § 422.18, to be named "Impoundment," to be added to Part Four – Traffic Code, Title Six – Pedestrians; Bicycles; Motorcycles; and Skateboards of the Xenia City Traffic Code, Chapter 422 – Pedestrians; Bicycles; Motorcycles; Skateboards, is hereby enacted, as shown in the attached Exhibit A.

Section 3. Existing §§ 400.04, 400.05, 402.02, 422.03, 422.04, 422.06, 422.07, 422.08, 422.10(a), 422.11(a), 422.12(b), 422.13(a), 422.14, 422.15, 422.90, 436.23, 438.39, 440.03(e), 440.10, 440.24, 452.17, 454.01(d) and 454.02(c) of the Xenia City Code are hereby repealed.

Section 4. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted 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 5. This Ordinance shall take effect on November 7, 2026.

Introduced: September 24, 2026
Adopted:

Wesley E. Smith
Attest: Xenia City Council President

Amy E. Brown
City Clerk

§ 400.04 UNIFORM TRAFFIC CONTROL DEVICES; CONFORMITY WITH STATE MANUAL.

(a) Uniform Traffic-Control Devices.

(1) The City shall place and maintain traffic control devices in accordance with the Ohio Department of Transportation *Manual for a Uniform System of Traffic Control Devices* ("State Manual"), adopted in accordance with ORC 4511.09, upon all streets and highways under its jurisdiction as are necessary to indicate and to carry out the provisions of ORC 4511.01 to 4511.76 and 4511.99, the provisions of this Traffic Code, or to regulate, warn, or guide traffic.

(2) All traffic control devices~~, including signs denoting names of streets and highways,~~ erected on any street, highway, alley, bikeway, or site roadway open to public travel shall conform to the State Manual.

(3) No person, firm, or corporation shall sell or offer for sale to the City any traffic control device that does not conform to the State Manual, except by permission of the Ohio Director of Transportation.

(4) The City shall not purchase or manufacture any traffic control device that does not conform to the State Manual, except by permission of the Ohio Director of Transportation.

(b) Penalties. Whoever violates division (a)(3) of this section is guilty of a misdemeanor of the third degree.
(ORC 4511.11)

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§ 400.05 DESIGNATION OF THROUGH HIGHWAYS; STOP SIGNS AND YIELD SIGNS.

(a) State Through Highways. Pursuant to ORC 4511.65, all State routes within the City are designated as through highways**,**~~;~~ provided~~, however,~~ that stop signs, yield signs, or highway traffic signals **shall be** ~~are~~ erected at all intersections with such through highways by the Ohio Department of Transportation, as to highways under its jurisdiction, and by the City, as to highways under its jurisdiction, except as otherwise provided in this section.

(b) City Through Highways. Pursuant to ORC 4511.65, other streets or highways or portions thereof within the City are designated through highways **if**~~; provided, however, that~~ they have a continuous length of more than one (1) mile between the limits of said street or highway or portion thereof**,** and if they have "stop" or "yield" signs or highway traffic signals at the entrances of the majority of intersecting streets or highways. For the purposes of this section, the limits of said street or highway or portion thereof shall be the City's corporation line, the physical terminus of the street or highway, or any point on said street or highway at which vehicular traffic thereon is required by regulatory signs to stop or yield to traffic on the intersecting street, provided that in residential districts the City may, by ordinance, designate said street or highway or portion thereof not to be a through highway, and thereafter, the affected residential district shall be indicated by official traffic control devices.

(c) Stop Signs and Yield Signs.

(1) Where two (2) or more through highways designated under this section intersect and no highway traffic signal is in operation, stop signs or yield signs shall be erected at one (1) or more entrances thereto by the Ohio Department of Transportation or by the City, whomever has jurisdiction, except as otherwise provided in the section.

(2) On through highways under its jurisdiction, the City need not erect stop signs at intersections it finds to be so constructed as to permit traffic to safely enter a through highway without coming to a stop. Signs shall be erected at such intersections indicating that the operator of a vehicle shall yield the right-of-way to or merge with all traffic proceeding on the through highway.

(d) Designation of Additional Through Highways. On highways under its jurisdiction, the City may designate additional through highways and shall erect stop signs, yield signs, or highway traffic signals at all streets and highways intersecting such through highway**s** or may designate any intersection as a stop or yield intersection and shall erect like signs at one (1) or more entrances to such intersection.
(ORC 4511.65)

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§ 402.02 PROHIBITIONS AGAINST RESISTING **OR OBSTRUCTING** OFFICER.

(a) Prohibitions **Against Resisting or Obstructing**. No person shall resist, hinder, obstruct, or abuse any **peace officer** ~~law enforcement official~~ while that **peace officer** ~~official~~ is attempting to arrest **an** offenders~~ under~~ **for a violation of section contained in Title XLV of the Ohio Revised Code or a violation of** any provision of this Traffic Code **that is substantially equivalent to any section contained in Title XLV of the Revised Code**. ~~No person shall interfere with any person charged under any provision of this Traffic Code with the enforcement of the law relative to public highways and streets.~~

(b) **Required Disclosures.**

(1) (a) No operator of a motor vehicle, motorcycle, e-moto, under-speed vehicle, motorized bicycle or moped, motor-driven cycle or motor scooter, all-purpose vehicle, utility vehicle, mini-truck, snowmobile, watercraft, or aircraft shall refuse to disclose the operator's name, address, or date of birth when requested by a peace officer who reasonably suspects that the operator has committed a violation of any section contained in Title XLV of the Revised Code or a violation of any provision of this Traffic Code that is substantially equivalent to any section contained in Title XLV of the Revised Code.

(b) No passenger of a motor vehicle, motorcycle, e-moto, under-speed vehicle, motorized bicycle or moped, motor-driven cycle or motor scooter, all-purpose vehicle, utility vehicle, mini-truck, snowmobile, watercraft, or aircraft shall refuse to disclose the passenger's name, address, or date of birth when requested by a peace officer who reasonably suspects that the passenger has committed a violation of any section contained in Title XLV of the Revised Code or a violation of any provision of this Traffic Code that is substantially equivalent to any section contained in Title XLV of the Revised Code.

(2) Nothing in division (b)(1) of this section requires an operator or a passenger to answer any questions beyond that operator's or passenger's name, address, or date of birth.

(3) It is not a violation of division (b)(1) of this section for an operator or passenger to refuse to answer a question that would reveal that operator's or passenger's age or date of birth if age is an element of the crime that the operator or passenger is suspected of committing.

(c) Penalties.

(1) Whoever violates **division (a)(1) of** this section is guilty of a ~~minor~~ misdemeanor **of the second degree**.

(2) Whoever violates division (b)(1) of this section is guilty of a misdemeanor of the fourth degree.

(d) Definitions. As used in this section, "peace officer" has the same meaning as in ORC 2935.01.
(ORC 4513.36)

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§ 422.03 EQUIPMENT OF MOTORIZED BICYCLES OR MOPEDS.

(a) Brakes. Every motorized bicycle or moped shall be equipped with brakes meeting the rules adopted by the Ohio Director of Public Safety under ORC 4511.521.
(ORC 4513.20(A)(3))

(b) **Lighted Lights Required. Every motorized bicycle or moped shall display at such times lighted lights are required under Section 438.02 of this Traffic Code, lighted lights meeting the rules adopted by the Ohio Director of Public Safety.**
(ORC 4513.03)
~~Additional Requirements. The requirements of division (a) of this section are in addition to the requirements of Section 422.05(d).~~

(c) Penalties. Whoever violates division (a) of this section is guilty of a minor misdemeanor.
(ORC 4513.99(B); **4513.03**)

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§ 422.04 EQUIPMENT OF MOTORCYCLES**, INCLUDING E-MOTOS,** AND MOTOR-DRIVEN CYCLES OR MOTOR SCOOTERS.

(a) Headlights. Every motorcycle**, including an e-moto, and a motor-driven cycle or motor scooter,** shall be equipped with at least one (1) and not more than two (2) headlights.
(ORC 4513.04)

(b) Brakes. Every motorcycle**, including an e-moto, and a motor-driven cycle or motor scooter,** when operated upon a street or roadway in this City, shall be equipped with at least one (1) adequate brake, which may be operated by hand or foot.
(ORC 4513.20(A)(2))

(c) Mufflers.

(1) Every motorcycle with an internal combustion engine shall at all times be equipped with a muffler that is in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, bypass, or similar device upon a motorcycle on a street or roadway within this City. Every motorcycle muffler shall be equipped with baffle plates.

(2) No person shall own, operate or have in the person's possession any motorcycle equipped with a device for producing excessive smoke or gas, or so equipped as to permit oil or any other chemical to flow into or upon the exhaust pipe or muffler of such motorcycle, or equipped in any way to produce or emit smoke or dangerous or annoying gases from any

portion of such motorcycle, other than the ordinary gases emitted by the exhaust of an internal combustion engine under normal operation.
(ORC 4513.22)

(d) Rearview Mirrors. Every motorcycle**, including an e-moto, and a motor-driven cycle or motor scooter,** shall be equipped with a mirror so located as to reflect to the operator a view of the street or roadway to the rear of such **vehicle** ~~motorcycle~~. Operators of motorcycles**, including e-motos, motor-driven cycles or motor scooters,** shall have a clear and unobstructed view to the front and to both sides of their **vehicles** ~~motorcycles~~ and shall have a clear view to the rear of their **vehicles** ~~motorcycles~~ by mirror.
(ORC 4513.23)

(e) Directional Signals. No person shall operate **upon any street or roadway within the City** any motorcycle**, including an e-moto,** or **a** motor-driven cycle ~~(~~or motor scooter~~)~~**,** manufactured or assembled on or after January 1, 1968, unless the vehicle is equipped with electrical or mechanical directional signals. "Directional signals" means an electrical or mechanical signal device capable of clearly indicating an intention to turn either to the right or to the left and which shall be visible from both the front and rear. All mechanical signal devices shall be self-illuminating devices when in use at the times mentioned in Section **438.02** ~~422.16~~ of this Traffic Code.
(ORC 4513.261)

(f) Stop Lights. Every motorcycle**, including an e-moto,** and **a** motor-driven cycle ~~(~~or motor scooter~~)~~**,** shall be equipped with at least one (1) stop light. Stop lights shall be mounted on the rear of the vehicle, actuated upon application of the service brake, and may be incorporated with other rear lights. Such stop lights, when actuated, shall emit a red light visible from a distance of five hundred feet (500') to the rear.
(ORC 4513.071)

(g) Penalties. Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.04(B); 4513.071(B); 4513.22(B); 4513.23(B); 4513.261(D); 4513.99)

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§ 422.06 OPERATION OF MOTORIZED BICYCLES OR MOPEDS; OPERATOR'S LICENSE REQUIRED.

(a) Requirements for Operation. No person shall operate a motorized bicycle or moped upon a street, highway, or any public or private property used by the public for purposes of vehicular travel or parking unless all of the following conditions are met:

(1) If the person is fourteen (14) or fifteen (15) years of age, the person holds a valid probationary motorized bicycle license issued after the person has passed the test provided for in ORC 4511.521, or if the person is sixteen (16) years of age or older and holds either a valid commercial driver's license issued under ORC Chapter 4506., or a driver's license issued under ORC Chapter 4507., or a valid motorized bicycle license issued after the person has passed the test provided for in ORC 4511.521, except that if a person is sixteen (16) years of age, has a valid probationary motorized bicycle license, and desires a motorized bicycle license, the person is not required to comply with the testing requirements provided for in ORC 4511.521.

(2) The motorized bicycle or moped is equipped in accordance with the rules adopted by the Ohio Director of Public Safety and is in proper working order.

(3) The person, if under eighteen (18) years of age, is wearing a protective helmet on the person's head with the chin strap properly fastened and the motorized bicycle or moped is equipped with a rearview mirror. The protective helmet and rearview mirror required by this division shall, on and after January 1, 1985, conform to the rules adopted by the Ohio Director of Public Safety.

(4) The person operates the motorized bicycle when practicable within three feet (3') of the right edge of the roadway obeying all traffic rules applicable to vehicles.

(5) The person operating the motorized bicycle or moped is not carrying another person upon the motorized bicycle or moped.
(ORC 4511.521)

(b) ~~Lighted Lights Required. Every motorized bicycle or moped shall display at such times lighted lights are required under Section 438.02 of this Traffic Code, lighted lights meeting the rules adopted by the Ohio Director of Public Safety.~~
~~(ORC 4513.03)~~

~~(c)~~ Penalties. Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4511.521~~; 4513.03~~)

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§ 422.07 OPERATION OF MOTORCYCLES **AND E-MOTOS**.

(a) Rules for Operation of Motorcycles **and E-Motos**.
(1) *Riding:*
A. No person operating a motorcycle **or e-moto** shall ride other than upon or astride the permanent and regular seat or saddle attached thereto or carry any other person upon such motorcycle **or e-moto** other than upon a firmly attached and regular seat or saddle thereon, and no person shall ride upon a motorcycle **or e-moto** other than upon such a firmly attached and regular seat or saddle.
B. No person shall ride upon a motorcycle **or e-moto** that is equipped with a saddle other than while sitting astride the saddle, facing forward, with one leg on each side of the motorcycle **or e-moto**.
C. No person shall ride upon a motorcycle **or e-moto** that is equipped with a seat other than while sitting upon the seat.

(2) *Number of Passengers*: No motorcycle **or e-moto** shall be used to carry more persons at one time than the number for which it is designed and equipped.

(3) *"Low-Rider" Handlebars Prohibited*: No motorcycle **or e-moto** shall be operated on a street or other street or other roadway when the handlebars rise higher than the shoulders of the operator when the operator is seated in the operator's seat or saddle.

(4) *Safety Glasses*: No person shall operate or be a passenger on a motorcycle **or e-moto** without using safety glasses or other protective eye device that conforms to the rules prescribed by the Ohio Director of Public Safety. This division (a)(4) does not apply to a person operating an autocycle or cab-enclosed motorcycle when the occupant compartment top is in place enclosing the occupants.

(5) *Helmets*:

A. Except as provided in division (a)(5)C. of this section, no person who is under the age of eighteen (18) years, or who holds a motorcycle operator's endorsement or license bearing a "novice" designation that is currently in effect, as provided in ORC 4507.13, shall operate a motorcycle **or e-moto** on a street or roadway **within this City**, or be a passenger on a motorcycle **or e-moto**, unless wearing a United States Department of Transportation-approved protective helmet on the person's head, and no other person shall be a passenger on a motorcycle **or e-moto** operated by such a person unless similarly wearing a protective helmet. The helmet shall conform to the rules prescribed and promulgated by the Ohio Director of Public Safety. The provisions of this paragraph or a violation thereof shall not be used in the trial of any civil action.

B. No person shall operate a motorcycle **or e-moto** with a valid temporary instruction permit and temporary instruction permit identification card issued by the Registrar of Motor Vehicles pursuant to ORC 4507.05 unless the person, at the time of such operation, is wearing on the person's head a protective helmet that has been approved by the United States Department of Transportation and that conforms to the rules adopted by the Ohio Director of Public Safety.

C. Division (a)(5)A. of this section does not apply to a person operating an autocycle or cab-enclosed motorcycle when the occupant compartment top is in place enclosing the occupants.

(6) *Temporary Instruction Permits*: No person shall operate a motorcycle **or e-moto** with a valid temporary instruction permit and temporary instruction permit identification card issued by the Registrar of Motor Vehicles pursuant to ORC 4507.05 in any of the following circumstances:

A. At any time when lighted lights are required by Section 438.02 of this Traffic Code;
B. While carrying a passenger; or
C. On any limited access highway or heavily congested roadway.
(ORC 4511.53)

(b) Riding Abreast on Roadway. Persons riding motorcycles **or e-motos** upon a street or roadway shall ride not more than two abreast in a single lane, except on paths or parts of paths set aside for the exclusive use of motorcycles.
(ORC 4511.55)

(c) **Licenses. No person shall operate a motorcycle or e-moto upon any street or roadway, or on any public or private property used by the public for vehicular travel or parking, within this City unless the person has a valid temporary instruction permit, probationary permit, or driver's license, issued pursuant to ORC Chapter 4507, as a motorcycle operator.**
(Ord. 2026-36. Adopted **/**/26)

(d) Penalties.

(1) Except as otherwise provided in this division, whoever violates division (a) of this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates division (a) of this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to two (2) or more predicate motor vehicle or traffic offenses, whoever violates division (a) of this section is guilty of a misdemeanor of the third degree.
(ORC 4511.53)

(2) A. Except as otherwise provided in this division **(d)**~~(c)~~(2), whoever violates division (b) of this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates division (b) of this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to two (2) or more predicate motor vehicle or traffic offenses, whoever violates division (b) of this section is guilty of a misdemeanor of the third degree.

B. If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 402.99(b) of this Traffic Code.
(ORC 4511.55)

(3) Whoever violates division (c) of this section shall be charged pursuant to Section 440.10 of this Traffic Code.
(Ord. 2026-36. Adopted **/**/26)

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§ 422.08 OPERATION OF MOTOR-DRIVEN CYCLES AND MOTOR SCOOTERS.

(a) **Operation** ~~Prohibitions~~. No person shall operate a motor-driven cycle or motor scooter upon any street or highway having an established speed limit greater than forty-five miles per hour (45 mph). ~~(b) Exceptions.~~ This **division** ~~section~~ does not prohibit a person operating a motor-driven cycle or motor scooter from proceeding across an intersection of a street or roadway having a speed limit greater than forty-five miles per hour (45 mph).
(ORC 4511.214(B)(3))

(b) Licenses. No person shall operate a motor-driven cycle or motor scooter upon any street or roadway, or on any public or private property used by the public for vehicular travel or parking, within this City unless the person has a valid temporary instruction permit, probationary permit, or driver's license, issued pursuant to ORC Chapter 4507, as a motorcycle operator.
(Ord. 2026-36. Adopted **/**/26)

(c) Penalties.

(1) Except as otherwise provided in this division, whoever violates division (a) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates division (a) this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of or pled guilty to two (2) or more predicate motor vehicle or traffic offenses, whoever violates division (a) this section is guilty of a misdemeanor of the third degree.
(ORC 4511.214(E))

(2) Whoever violates division (b) of this section shall be charged pursuant to Section 440.10 of this Traffic Code.
(Ord. 2026-36. Adopted **/**/26)

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§ 422.10 OPERATION OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.

(a) Operation. ~~(1)~~ No person shall operate an electric personal assistive mobility device upon any street, roadway or public or private property used by the public for the purpose of vehicular travel or parking having an established speed limit greater than forty-five miles per hour (45 mph). ~~(2)~~ This **division** ~~section~~ does not prohibit a person operating an electric personal assistive mobility device from proceeding across an intersection of a street or roadway having a speed limit greater than forty-five miles per hour (45 mph). (ORC 4511.512)

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§ 422.11 RECKLESS OPERATION.

(a) Prohibitions. No person shall operate a bicycle, electric bicycle, motorcycle **(including an e-moto, motor-driven cycle or motor scooter)**, motorized bicycle or moped, electric personal assistive mobility device, low-speed micromobility device, motorized wheelchair, or personal delivery device:

(1) Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles so as to endanger the life, limb, or property of any person while that person is in the lawful use of the streets, bike paths, sidewalks or any other public or private property used by the public for the purpose of vehicular travel or parking.

(2) Without exercising reasonable and ordinary control over such vehicle.

(3) In a weaving or zigzag course, unless such irregular course is necessary for safe operation in compliance with law.

(4) Without both hands upon the handle grips, except when necessary to give the required hand and arm signals under Section 432.13 of this Traffic Code.

(5) At a speed greater than is reasonable and prudent under the conditions then existing.
(Ord. 2022-14. Adopted 05/26/22; Ord. 2024-25. Adopted 10/10/24; Ord. 2026-36. Adopted **/**/26)

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§ 422.12 DRIVING OR PARKING ON SIDEWALKS.

(b) Motorcycles, **E-Motos,** Motor-Driven Cycles or Scooters, Motorized Bicycles or Mopeds. No motorcycle~~,~~ **(including an e-moto,** motor-driven cycle or **motor** scooter**)**, **or a** motorized bicycle~~,~~ or moped may be driven upon any sidewalk or sidewalk area, except upon a permanent or duly authorized temporary driveway, and no motorcycle, motor-driven cycle or scooter, or motorized bicycle or moped may be parked upon any sidewalk or sidewalk area at any time.
(ORC 4511.711)

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§ 422.13 DRIVING ON BIKE PATHS.

(a) Prohibitions.

(1) No person shall operate any motor vehicle, snowmobile, all-purpose vehicle, motorcycle (including **an e-moto,** ~~autocycle, cab-enclosed motorcycle~~, motor-driven cycle or **motor** scooter), motorized bicycle or moped, class 3 electric bicycle, or personal delivery device upon any bike path.

(2) Division (a)(1) of this section does not apply to a law enforcement officer or other person sworn to enforce the criminal and traffic laws of the state and the City while that officer is in performance of the officer's duties.

(3) Division (a)(1) of this section does not apply to any City employee performing inspection, repair, or maintenance duties upon any bike path, or any other person or entity who has been given written permission by the Public Safety Director to drive upon a bike path for construction, maintenance, repair or other reasons.
(Ord. 2022-14. Adopted 05/26/22; Ord. 2024-25. Adopted 10/10/24; Ord. 2026-36. Adopted **/**/26)

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§ 422.14 DRIVING ON BIKE LANES AND SHARED USE PATHS.

(a) Prohibitions.

(1) No person shall operate any motor vehicle, snowmobile, all-purpose vehicle, motorcycle (including **an e-moto** ~~autocycle, cab-enclosed motorcycle~~, motor-driven cycle or **motor** scooter), ~~class 3 electric bicycle,~~ motorized wheelchair, or personal delivery device upon any bike lane or shared use path.

(2) Division (a)(1) of this section does not apply to a law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state and the City, while that officer is in performance of the officer's duties.

(b) Permitted Vehicles. Bicycles, ~~class 1~~ electric bicycles~~, class 2 electric bicycles~~, motorized bicycles and mopeds, electric personal assistive mobility devices, and low-speed micromobility devices are permitted upon any bike lane or shared use path**, unless otherwise posted**.
Statutory references: ORC 4511.512(A)(3); 4511.514(F); 4511.522(C); 4511.713

(c) Authority of the Public Safety Director. The City's Public Safety Director is hereby authorized to make and issue, by administrative directive, rules and regulations regarding the use of bike paths by bicycles, class 1 electric bicycles, class 2 electric bicycles, low-speed mobility devices, electric personal assistive mobility devices, and motorized wheelchairs and shall assure appropriate signage is posted regarding such rules and regulations.

(d) Penalties.

(1) Except as otherwise provided in this division (d)(1), whoever violates division (a) of this section, or any rule or regulation of the Public Safety Director promulgated pursuant to division (c) of this section, is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been

convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates division (a) of this section is guilty of a misdemeanor of the third degree.

(2) The offense established under division (d)(1) of this section is a strict liability offense and strict liability is a culpable mental state for the purposes of ORC 2901.20. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. (Ord. 2022-14. Adopted 05/26/22; Ord. 2024-25. Adopted 10/10/24; Ord. 2026-36. Adopted **/**/26)

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§ 422.15 DRIVING ON HIKING PATHS, PEDESTRIAN-ONLY PATHS, OR IN PARKS.

(a) Hiking Paths.

(1) No electric bicycles, regardless of the bicycle's class, motorcycles **(including e-motos, motor-driven cycles and motor scooters)**, motorized bicycles or mopeds, electric personal assistive mobility devices, low-speed micromobility devices, motorized wheelchairs, or personal delivery devices may be operated upon paths that are intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use.

(2) Division (a)(1) of this section does not apply to a law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state and the City, while that officer is in performance of the officer's duties.

(b) Pedestrian-Only Paths. No bicycles, including electric bicycles regardless of the bicycle's class, motorcycles **(including e-motos, motor-driven cycles and motor scooters)**, motorized bicycles or mopeds, electric personal assistive mobility devices, low-speed micromobility devices, or personal delivery devices may be operated upon any path reserved for pedestrians only.
Statutory references: ORC 4511.512(A)(3); 4511.514(F); 4511.522(C); 4511.713

(c) Park Regulations. Nothing in this section affects or shall be construed to affect any rule of the State Director of Natural Resources or the City governing the operation of vehicles on lands under the control of the Director or City, as applicable. The City may prohibit the use of any vehicle within or upon any City park. Such prohibitions shall be posted and enforced as a park regulation.

(d) Authority of the Public Safety Director. The City's Public Safety Director is hereby authorized to make and issue, by administrative directive, rules and regulations regarding the use of bike paths and parks by bicycles, class 1 electric bicycles, class 2 electric bicycles, low-speed mobility devices, electric personal assistive mobility devices, and motorized wheelchairs and shall assure appropriate signage is posted regarding such rules and regulations.

(e) Penalties.

(1) Except as otherwise provided in this division (e)(1), whoever violates division (a) of this section, or any rule or regulation of the Public Safety Director promulgated pursuant to division (d) of this section, is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates division (a) of this section is guilty of a misdemeanor of the third degree.

(2) The offense established under division (e)(1) of this section is a strict liability offense and strict liability is a culpable mental state for the purposes of ORC 2901.20. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. (Ord. 2022-14. Adopted 05/26/22; Ord. 2024-25. Adopted 10/10/24; Ord. 2026-36. Adopted **/**/26)

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§ 422.18 IMPOUNDMENT.

(a) Authority of Police Officer. Whenever any person operates a bicycle, electric bicycle, electric personal assistive mobility device, low-speed micro mobility device, motorized bicycle or moped in violation of any section of this Traffic Code, that bicycle, electric bicycle, electric personal assistive mobility device, low-speed micro mobility device, motorized bicycle or moped may be seized by a Xenia Police Officer and the Police Chief shall have the authority to impound it at a secure location designated by the Police Chief.

(b) Notice. When any bicycle, electric bicycle, electric personal assistive mobility device, low-speed micro mobility device, motorized bicycle or moped has been seized and so impounded, a written notice or personal service shall be made forthwith by the officer in charge to the owner of the bicycle, electric bicycle, electric personal assistive mobility device, low-speed micro mobility device, motorized bicycle or moped or, in the event the person be a minor under the age of eighteen years, such notice shall be made to the parent or guardian of the minor. Notice shall contain a full explanation of the reason for seizing and impounding the bicycle, electric bicycle, electric personal assistive mobility device, low-speed micro mobility device, motorized bicycle or moped.

(c) Records. It shall be the duty of the Xenia Police Division to keep in an appropriate book or file the names and addresses of all owners of any bicycle, electric bicycle, electric personal assistive mobility device, low-speed micro mobility device, motorized bicycle or moped impounded, if known.

(d) Reclamation. Any bicycle, electric bicycle, electric personal assistive mobility device, low-speed micro mobility device, motorized bicycle or moped impounded under the authority of this section shall be surrendered to the owner, or to the parent or guardian of a minor, upon the owner, parent, or guardian showing sufficient proof of ownership and payment of an impound fee, but nothing herein shall relieve the offender of any penalty that may be imposed for the violation of this Traffic Code which was the basis of the seizure and impoundment. Any bicycle, electric bicycle, electric personal assistive mobility device, low-speed micro mobility device, motorized bicycle or moped not reclaimed by the owner, parent, or guardian within ninety (90) days of receipt of the notice provided for in division (b) hereof may be deemed abandoned property and disposed of as other abandoned property.

(e) Impoundment Fee. The City's Public Safety Director is hereby authorized to establish, by administrative directive, an impound fee, to be paid by the owner, parent, or guardian at the time of reclamation of the bicycle, electric bicycle, electric personal assistive mobility device, low-speed micro mobility device, motorized bicycle or moped. Such fee shall be reasonably based upon the cost to the City to impound the bicycle, electric bicycle, electric personal assistive mobility device, low-speed micro mobility device, motorized bicycle or moped and any associated administrative costs.

(f) Motorcycles, E-Motos, Motor-Driven Cycles or Motor Scooters. Motorcycles, including e-motos, motor-driven cycles, or motor scooters, may be impounded in accordance with this section unless the operator of the motorcycle, e-moto, motor-driven cycle or motor scooter was operating the

cycle in violation of the licensing requirements for operation of a motorcycle contained in the ORC or this Traffic Code and a criminal charge or charges are filed for such illegal operation. In such cases, the motorcycle, e-moto, motor-driven cycle or motor scooter shall be impounded in connection with the criminal charge.
(Ord. 2026-36. Adopted **/**/26)

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§ 422.90 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply. For any term in this Chapter that is not specifically defined in this section, the definitions contained in ORC 4511.01 or 4501.01, as applicable, shall apply.

(a) Autocycle. "Autocycle" means a three-wheeled motorcycle that is manufactured to comply with federal safety requirements for motorcycles and that is equipped with safety belts, a steering wheel, and seating that does not require the operator to straddle or sit astride to ride the motorcycle.
(ORC 4501.01(CCC))

(b) Bicycle. "Bicycle" means a pedal-powered vehicle upon which a human operator sits, including an electric bicycle.
(ORC 4511.01(G))

(c) Bike Lane. "Bike lane" means a portion of a street or roadway that has been designated for preferential or exclusive use by bicyclists and is often delineated from the adjacent general-purpose lanes by longitudinal pavement markings and either a bicycle lane symbol, words, or signs. "Bicycle lane" includes all of the following:

(1) A buffer-separated bicycle lane, which is separated from the adjacent general-purpose lanes by a pattern of standard longitudinal pavement markings that are wider than a normal or wide-lane pavement marking;

(2) A counter-flow bicycle lane, which is a one-directional bicycle lane that provides a lawful path of travel for bicycles in the opposite direction from the general traffic on a roadway that otherwise requires the general traffic to travel in only one direction. A counter-flow bicycle lane is designated by the traffic control devices used for other bicycle lanes;

(3) A separated bicycle lane, which is an exclusive facility for bicyclists that is located within or directly adjacent to the roadway and is physically separated from the motor vehicle traffic with a vertical element.
(ORC 4511.01(DDDD)

(d) Bike Path. "Bike path" means a trail or other area not within the road right-of-way that is reserved exclusively for the use of bicycles**, low-speed micromobility devices, electric personal assistive mobility devices,** and pedestrians.
(Ord. 2022-14. Adopted 05/26/22; Ord. 2024-25. Adopted 10/10/24; Ord. 2026-36. Adopted **/**/26)

(e) Cab-Enclosed Motorcycle. "Cab-enclosed motorcycle" means a motor vehicle with motive power having a seat or saddle for the use of the operator, designed to travel on not more than three (3) wheels in contact with the ground, and having an occupant compartment top or an occupant compartment top that is installed.
(ORC 4501.01(AAA))

(f) Distracted. "Distracted" shall have the same meaning as set forth in ORC 4511.991.

(g) Driver or Operator. "Driver" or "Operator" means every person who drives or is in actual physical control of a vehicle.
(ORC 4511.01(Y))

(h) Electric Bicycle. "Electric bicycle" means a "class 1 electric bicycle," a "class 2 electric bicycle," or a "class 3 electric bicycle," as defined in this division.

(1) "Class 1 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts (750W) that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour (20 mph).
(ORC 4511.01(TTT))

(2) "Class 2 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts (750W) that may provide assistance regardless of whether the rider is pedaling and is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour (20 mph).
(ORC 4511.01(UUU))

(3) "Class 3 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts (750W) that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour (28 mph). (ORC 4511.01(VVV))

(i) Electric Personal Assistive Mobility Device. "Electric Personal Assistive Mobility Device" means a self-balancing two (2) non-tandem wheeled device that is designed to transport only one (1) person, has an electric propulsion system of an average of seven hundred fifty watts (750W), and, when ridden on a paved level surface by an operator who weighs one hundred seventy pounds (170 lbs.), has a maximum speed of less than twenty miles per hour (20 mph).
(ORC 4501.01(TT))

(j) **E-Moto. A high-powered, lightweight, two-wheeled motorized vehicle propelled exclusively or primarily by an electric motor, which cannot be propelled by human power, and is designed primarily in the form and manner of an electric motorcycle or electric dirt bike. E-motos feature a throttle, stationary foot pegs instead of functional pedals, and motor sizes that equal or exceed seven hundred fifty watts (750W). Any electric, two-wheel motorized vehicle that has an attainable speed on a paved level service of twenty-eight miles per hour (28 mph) or more shall be deemed an e-moto and shall be regulated as a motorcycle under this Traffic Code.**
(Ord. 2026-36. Adopted **/**/26)

(k) Low-Speed Micromobility Device. "Low-speed micromobility device" means a device weighing less than one hundred pounds (100 lbs.) that has handlebars, is propelled by an electric motor or human power, and has an attainable speed on a paved level service of not more than twenty miles per hour (20 mph) when propelled by the electric motor.
(ORC 4511.01(WWW))

(l)~~(k)~~ Motor-Driven Cycle or Motor Scooter. "Motor-Driven Cycle" or "Motor Scooter" means any vehicle designed to travel on not more than three (3) wheels in contact with the ground, with a seat for the driver and floor pad for the driver's feet, and is equipped with a motor with a piston displacement between fifty and one hundred cubic centimeters (50 – 100 cm^3) piston displacement that produces not more than

five (5) brake horsepower and is capable of propelling the vehicle at a speed greater that twenty miles per hour (20 mph) on a level surface.
(ORC 4501.01(YY))

(m)~~(l)~~ Motorcycle. "Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle for the use of the operator and designed to travel on not more than three (3) wheels in contact with the ground including, but not limited to, motor vehicles known as **"e-moto,"** "motor-driven cycle," "motor scooter," "autocycle," "cab-enclosed motorcycle," or "motorcycle" without regard to weight or brake horsepower.
(ORC 4511.01(C))

(n)~~(m)~~ Motorized Bicycle or Moped. "Motorized Bicycle" or "Moped" means any vehicle having either two (2) tandem wheels or one (1) wheel in the front and two (2) wheels in the rear that may be pedaled and that is equipped with a helper motor of not more than fifty cubic centimeters (50 cm^3) piston displacement that produces no more than one brake horsepower (1 bhp) and is capable of propelling the vehicle at a speed of no greater than twenty miles per hour (20 mph) on a level surface. "Motorized bicycle" or "moped" does not include an electric bicycle.
(ORC 4511.01(H))

(o)~~(n)~~ Operate. "Operate" means to cause or have caused movement of a vehicle.
(ORC 4511.01(HHH)

(p)~~(o)~~ Pedestrian. "Pedestrian" means any person on foot, in a motorized or nonmotorized wheelchair, or using another equivalent device, such as skates or a skateboard. "Pedestrian" includes a personal delivery device, as defined in ORC 4511.513, unless the context clearly suggests otherwise.
(ORC 4511.01(X))

(q)~~(p)~~ Shared-Use Path. "Shared-Use Path" means a bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the roadway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and nonmotorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use.
(ORC 4511.01(PPP))

(r)~~(q)~~ Sidewalk. "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines or easements of private property, that is paved or improved, and is intended for the use of pedestrians.
(ORC 4511.01(FF))

(s)~~(r)~~ Vehicle. "Vehicle" means every device, including a bicycle, motorized bicycle, and an electric bicycle, in, upon, or by which any person or property may be transported or drawn upon a street, highway, or other public roadway. "Vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any low-speed micromobility device, any personal delivery device, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device that is moved by human power.
(ORC 4511.01(A))

§ 436.23 OPERATION OF VEHICLE IN EXCESS OF LOAD LIMITS PROHIBITED; EXCEPTIONS FOR NATURAL GAS FUELED VEHICLES, ELECTRIC VEHICLES, AND FIRE ENGINES.

(a) Prohibition. No person shall operate or move a traction engine, steam roller, or other vehicle, load, object, or structure, whether propelled by muscular or motor power over or upon the improved public streets, highways, bridges, or culverts within this City that weighs in excess of the weights prescribed in Sections 436.16 to 436.22 of this Traffic Code, unless **one of the following applies:**

(1) **T**he person has been issued a permit pursuant to Section 436.24 of this Traffic Code or ORC 4513.34.

(2) The person has been issued a permit under ORC 1509.06, and the person has entered into an agreement concerning maintenance and safe use of the roads, streets, and highways in accordance with ORC 1509.06(A)(11)(b). The agreement shall be considered a permit for the purposes of Section 436.24 of this Traffic Code or ORC 4513.34 for any vehicle that is operated under the agreement that does not exceed the maximum vehicle dimensions, weight, and spacing between axles that is specified in the agreement. For any vehicle that exceeds the maximum vehicle dimensions, weight, and spacing between axles that is specified in the agreement, the person shall obtain a permit under Section 436.24 of this Traffic Code or ORC 4513.34 with respect to that vehicle's operation to the extent otherwise required by law.

(b) Application. This prohibition applies regardless of whether the weight is moved upon wheels, rollers, or otherwise. Any weight determination shall include the weight of the vehicle, object, structure, contrivance, and load.
(ORC 5577.02)

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§ 438.39 VEHICLES EXEMPT FROM STANDARDS.

(a) Collector's or Historical Vehicles.

(1) No person shall be prohibited from owning or operating a licensed collector's vehicle**,** ~~or~~ historical motor vehicle**, or replica motor vehicle** that is equipped with a feature of design, type of material, or article of equipment that was not in violation of any motor vehicle equipment law of this City or this State in effect during the calendar year the vehicle was manufactured **or the calendar year that it replicates**, and no licensed collector's vehicle**,** ~~or~~ historical motor vehicle**, or replica motor vehicle** shall be prohibited from displaying or using any such feature of design, type of material, or article of equipment.

(2) No person shall be prohibited from owning or operating a licensed collector's vehicle**,** ~~or~~ historical motor vehicle**, or replica motor vehicle** for failing to comply with an equipment provision contained in this Chapter 438. or in any ordinance that was enacted or adopted in a year subsequent to that in which the vehicle was manufactured **or the calendar year that it replicates**, and no licensed collector's vehicle**,** ~~or~~ historical motor vehicle**, or replica motor vehicle** shall be required to comply with an equipment provision in this Chapter 438. or in any ordinance that was enacted or adopted subsequent to the calendar year in which it was manufactured **or the calendar year that it replicates**.
(ORC 4513.38)

~~(3) Except as provided in ORC 4505.061, no person shall be required to submit his collector's vehicle to a physical inspection prior to or in connection with an issuance of title to, or the sale or transfer of ownership of such vehicle, except that a police officer may inspect it to determine ownership.~~

(b) Collector's or Historical Agricultural Tractor or Traction Engine.

(1) No owner of a licensed collector's vehicle, a historical motor vehicle, **a replica motor vehicle,** or a collector's vehicle that is an agricultural tractor or traction engine shall be required to comply with an emission or noise control provisions contained in this Chapter 438. that was enacted or adopted subsequent to the calendar year in which the vehicle was manufactured **or the calendar year that it replicates**.

(2) No person shall be prohibited from operating a licensed collector's vehicle, a historical motor vehicle, **a replica motor vehicle,** or a collector's vehicle that is an agricultural tractor or traction engine for failing to comply with an emission or noise control law or rule of this City that was enacted or adopted subsequent to the calendar year in which his vehicle was manufactured **or the calendar year that it replicates**.
(ORC 4513.41)

(3) Except as provided in ORC 4505.061, no person shall be required to submit his collector's vehicle to a physical inspection prior to or in connection with an issuance of title to, or the sale or transfer of ownership of such vehicle, except that a police officer may inspect it to determine ownership.
(ORC 4513.41(C))

(c) Farm Machinery or Road Equipment. Sections 438.01 to 438.37 of this Traffic Code, with respect to equipment on vehicles, do not apply to implements of husbandry, road machinery, road rollers, or agricultural tractors, except as made applicable to such articles of machinery.
(ORC 4513.02(G))

(d) Definitions. As used in this section, "replica motor vehicle" means a replica motor vehicle for which a certificate of title is issued under ORC 4505.072.
(ORC 4513.38; 4513.41)

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§ 440.03 TEMPORARY INSTRUCTION PERMIT; PROHIBITIONS.

(e) Definitions. As used in this section:

(1) "Eligible adult" means any of the following:

A. An instructor of a driver training course approved by the Ohio Department of Public Safety; or

B. Any of the following persons who holds a current valid driver's or commercial driver's license issued by this State:

(i) A parent, guardian, or custodian of the permit holder;

(ii) A person twenty-one (21) years of age or older who acts in loco parentis of the permit holder.

(iii) A person twenty-one (21) years of age or older if the permit holder is an emancipated young adult, as defined in ORC 5180.42.
(ORC 4507.05)

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§ 440.10 OPERATING A MOTOR VEHICLE OR MOTORCYCLE WITHOUT A VALID LICENSE.

(f) Definitions. For the purposes of section, "motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle for the use of the operator and designed to travel on not more than three (3) wheels in contact with the ground including, but not limited to, motor vehicles known as "e-moto," "motor-driven cycle," "motor scooter," "autocycle," "cab-enclosed motorcycle," or "motorcycle" without regard to weight or brake horsepower.
(ORC 4511.01(C))

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§ 440.24 REMOVAL OF VEHICLE OR ACCIDENT DEBRIS.

(a) Removal of Vehicle or Accident Debris. If a motor vehicle accident occurs on any highway, public street, or other property open to the public for purposes of vehicular travel and if any motor vehicle, cargo, or personal property that has been damaged or spilled as a result of the motor vehicle accident is blocking the highway, street, or other property or is otherwise endangering public safety, a public safety official may do either of the following without the consent of the owner but with the approval of the law enforcement agency conducting any investigation of the accident:

(1) Remove, or order the removal of, the motor vehicle (if the motor vehicle is unoccupied), cargo, or personal property from the portion of the highway, public street, or property ordinarily used for vehicular travel on the highway, public street, or other property open to the public for purposes of vehicular travel.

(2) If the motor vehicle is a commercial motor vehicle, allow the owner or operator of the vehicle the opportunity to arrange for the removal of the motor vehicle within a period of time specified by the public safety official. If the public safety official determines that the motor vehicle cannot be removed within the specified period of time, the public safety official shall remove or order the removal of the motor vehicle.

(b) Immunities.

(1) Except as provided in division (b)(2) of this section, a public safety official who authorizes or participates in the removal of any unoccupied motor vehicle, cargo, or personal property as authorized by division (a) of this section, regardless of whether the removal is executed by a private towing service, is not liable for civil damages for any injury, death, or loss to person or property that results from the removal of that unoccupied motor vehicle, cargo, or personal property. Further, except as provided in division (b)(2) of this section, if a public safety official authorizes, employs, or arranges to have a private towing service remove any unoccupied motor vehicle, cargo, or personal property as authorized by division (a) of this section, that private towing service is not liable for civil damages for any injury, death, or loss to person or property that results from the removal of that unoccupied motor vehicle, cargo, or personal property.

(2) Division (b)(1) of this section does not apply to any of the following:

A. Any person or entity involved in the removal of an unoccupied motor vehicle, cargo, or personal property pursuant to division (a) of this section if that removal causes or contributes to the release of a hazardous material or to structural damage to the roadway;

B. A private towing service that was not authorized, employed, or arranged by a public safety official to remove an unoccupied motor vehicle, cargo or personal property under this section;

C. Except as provided in division (b)(2)D. of this section, a private towing service that was authorized, employed, or arranged by a public safety official to perform the removal of

the unoccupied motor vehicle, cargo, or personal property, but the private towing service performed the removal in a negligent manner;

D. A private towing service that was authorized, employed or arranged by a public safety official to perform the removal of the unoccupied motor vehicle, cargo or personal property that was endangering public safety, but the private towing service performed the removal in a reckless manner.

(c) **Returning or Retaining Victim's Property. ORC Section 2930.11 does not apply with regard to the payment of fees for motor vehicle removal and storage under this section.**

(d) Definitions. As used in this section:

(1) "Hazardous material" has the same meaning as in ORC 2305.232.

(2) "Public Safety Official" means any of the following:

A. The Chief of the Xenia Police Division, or a duly authorized subordinate acting on behalf of the Police Chief;

B. A state highway patrol trooper;

C. The Chief of the Xenia Fire & EMS Division, or a duly authorized subordinate acting on behalf of the Fire & EMS Chief.

D. A natural resources officer or a wildlife officer.
(ORC 4513.66)

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§ 452.17 **LEAVING OR PARKING INOPERABLE VEHICLE ON STREET OR PUBLIC PROPERTY.**

(a) Prohibitions. No person shall leave or park any inoperable vehicle upon any public street, highway or public parking lot or area within the City.

(b) Definitions. For the purposes of this section, "inoperable vehicle" means a motor vehicle that meets at least one of the following:

(1) Is incapable of immediate operation due to missing or damaged core components, such as missing wheels, missing engine or transmission, dead battery, missing windshield, missing steering wheel or hood, or other significant vehicle part.

(2) Is incapable of immediately being started and being driven safely under its own power.

(3) Is incapable of immediate operation because it is wrecked, in a state of major disassembly or dismantling (in whole or in part), is on jacks or propped up on blocks, or other state of physical disrepair.
(Ord. 2026-36. Adopted **/**/26)

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§ 454.01 IMPOUNDING MOTOR VEHICLE LEFT ON PRIVATE RESIDENTIAL OR AGRICULTURAL PROPERTY OR AT REPAIR GARAGE.

(d) Reclamation of Vehicle from Storage.

(1) The owner or lienholder of a motor vehicle that is ordered into storage pursuant to division (a)(1) of this section may reclaim it upon both of the following:

A. Payment of all applicable fees established by the Ohio Public Utilities Commission in rules adopted under ORC 4921.25 or, if the City has established fees for vehicle removal and storage, payment of all applicable fees established by the City. **ORC 2930.11 does**

not apply with regard to the payment of fees for motor vehicle removal and storage under this section.

B. Presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle, a certificate of registration for the motor vehicle or a lease agreement.

C. When the owner of a vehicle towed under this section retrieves the vehicle, the towing service or storage facility in possession of the vehicle shall give the owner written notice that if the owner disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under Section 454.04 of this Traffic Code or under ORC 4513.611.

(2) Upon presentation of proof of ownership as required under division (d)(1)B. of this section, the owner of a motor vehicle that is ordered into storage under division (a)(1) of this section may retrieve any personal items from the motor vehicle without retrieving the vehicle and without paying any fee. However, a towing service or storage facility may charge an after-hours retrieval fee established by the Ohio Public Utilities Commission in rules adopted under ORC 4921.25 if the owner retrieves the personal items after hours, unless the towing service or storage facility fails to provide the notice required under ORC 4513.69, if applicable. The owner of a motor vehicle shall not do either of the following:

A. Retrieve any personal item that has been determined by the Chief of Police to be necessary to a criminal investigation; or

B. Retrieve any personal item from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability.

For the purposes of division (d)(2) of this section, "personal items" do not include any items that are attached to the motor vehicle.

(3) If a motor vehicle that is ordered into storage pursuant to division (a)(1) of this section remains unclaimed by the owner for thirty (30) days, the procedures established by Sections 454.03 and 454.05 of this Traffic Code shall apply.
(ORC 4513.60)

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§ 454.03 IMPOUNDING ABANDONED MOTOR VEHICLE OR VEHICLE THAT HAS COME INTO THE POSSESSION OF LAW ENFORCEMENT OFFICERS.

(c) Notice to Vehicle Owner.

(1) The Chief of Police shall cause a search to be made of the records of the Bureau of Motor Vehicles to ascertain the identity of the owner and any lienholder of a motor vehicle ordered into storage by the Chief or by a state highway patrol trooper within five (5) business days of the removal of the vehicle. Upon obtaining such identity, the Chief of Police shall send or cause to be sent to the owner or lienholder at the owner's or lienholder's last known address by certified mail with return receipt requested, notice that informs the owner or lienholder that the motor vehicle will be declared a nuisance and disposed of if not claimed within ten (10) days of the date of mailing of the notice.

(2) The owner or lienholder of the motor vehicle is responsible for payment of any expenses or charges incurred in its removal and storage and may reclaim the motor vehicle upon payment of those expenses or charges, and presentation of proof of ownership, which may be evidenced by a certificate of title or memorandum certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement. **ORC 2930.11 does not apply with regard to the payment of fees for motor vehicle removal and storage under this section.** Upon presentation of proof of ownership evidenced as provided above,

the owner of the motor vehicle also may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. However, a towing service or storage facility may charge an after-hours retrieval fee established by the Ohio Public Utilities Commission in rules adopted under ORC 4921.25 if the owner retrieves the personal items after hours, unless the towing services or storage facility fails to provide the notice required under ORC 4513.69(B)(3), if applicable. However, the owner shall not do either of the following:

A. Retrieve any personal item that has been determined by the Chief of Police to be necessary to a criminal investigation;
B. Retrieve any personal item from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability.

For the purposes of division (c)(2) of this section, “personal items” do not include any items that are attached to the vehicle.

(3) If the owner or lienholder of the motor vehicle reclaims it after a search of the records of the Bureau of Motor Vehicles has been conducted and after notice has been sent to the owner or lienholder as described in this section, and the search was conducted by the place of storage, and the notice was sent to the motor vehicle owner by the owner of the place of storage or the owner's employee, the owner or lienholder shall pay to the place of storage a processing fee of twenty-five dollars ($25), in addition to any expenses or charges incurred in the removal and storage of the vehicle.
(ORC 4513.601)

DEFINITIONS

BICYCLE: A pedal-powered vehicle upon which a human operator sits, including an electric bicycle. [ORC 4511.01(G)]

Power	Human power	
Age Limit	No	
License Required	No	
Equipment Requirements	If driven on street after dark, headlamp & reflectors	4511.56
May be Ridden on:		
Street	Yes; applicable traffic laws apply	4511.52
Bike Lanes	Yes; applicable traffic laws apply	XCC
Sidewalk	Yes, unless otherwise marked	4511.711
Bike Path	Yes, applicable traffic laws apply	4511.52
Shared Use Paths	Yes	XCC
Hiking Paths	Yes	XCC



ELECTRIC BICYCLE: A “class 1 electric bicycle,” a “class 2 electric bicycle,” or a “class 3 electric bicycle.”

- “Class 1 electric bicycle” means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 20 mph. [ORC 4511.01(TTT)]
- “Class 2 electric bicycle” means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that may provide assistance regardless of whether the rider is pedaling and is not capable of providing assistance when the bicycle reaches the speed of 20 mph. [ORC 4511.01(UUU)]
- “Class 3 electric bicycle” means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 28 mph. [ORC 4511.01(VVV)]

Power	Electric or Human Power	
Age Limit	Class 3: 16 yoa to operate	4511.522
License Required	No	
Equipment Requirements	If driven on street after dark - headlamp & reflectors	4511.56
	Class 3: Speedometer	
Helmet Requirement	Class 3 (all ages)	4511.522
May be Ridden on:		
Street	Yes; applicable traffic laws apply	4511.52
Bike Lanes	Yes, unless otherwise posted	XCC
Sidewalk	Yes, with motor disengaged	4511.711
Bike Path	Class 1 & Class 2 only (No Class 3)	XCC
Shared Use Paths	Yes, unless otherwise posted	XCC
Hiking Paths	No	XCC



MOTORIZED BICYLE OR MOPED: Any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that may be pedaled, and that is equipped with a helper motor of not more than 50 cubic centimeters piston displacement that produces not more than one brake horsepower and is capable of propelling the vehicle at a speed of not greater than 20 mph on a level surface. “Motorized bicycle” or “moped” does not include an electric bicycle. [ORC 4511.01(H)]

Power	Gas	
Age Limit	At least 14 yoa	4511.521
License Required	Yes	4511.521
Equipment Requirements	Lighted lights after dark	4513.03
Helmet Requirement	Yes, under 18 yoa	4511.521
May be Ridden on:		
Street	Yes, obey all traffic laws	4511.521
Bike Lanes	Yes	XCC
Sidewalk	No	4511.711
Bike Path	No	XCC
Shared Use Paths	Yes	XCC
Hiking Paths	No	XCC





E-MOTO: Does not currently have its own specific definition in the ORC. E-motos are high-powered, lightweight electric two-wheelers (dirt bikes, mopeds, mini-motorcycles) that feature a twist throttle, stationary foot pegs instead of functional pedals, motor outputs between 3kwW to 15kW+, and top speeds of 30 – 60 mph.

*No specific definition for these currently in the ORC, but they do meet the definition of motorcycle under ORC 4511.01(C).

Power	Electric	
Age Limit	Yes, depending on type of license	
License Required	Temp – 15½ yoa; Probationary – 16 yoa; License – 18 yoa	4507.05
Equipment Requirements	Headlights	4513.04
	Rearview Mirrors	4513.23
	Directional Signals	4513.261
	Stop Lights	4513.071
Helmet Required	Yes, under 18 yoa or when driving w/ temp. permit Safety glasses required, all ages	4511.53
May be Ridden on:		
Street	Yes, obey all traffic laws	4511.53
Bike Lanes	No	XCC
Sidewalk	No	4511.711
Bike Path	No	4511.713
Shared Use Paths	No	XCC
Hiking Paths	No	XCC





MOTOR-DRIVEN CYCLE OR MOTOR SCOOTER: Any vehicle designed to travel on not more than three wheels in contact with the ground, with a seat for the driver and floor pad for the driver's feet, and is equipped with a motor with a piston displacement between 50-100 cubic centimeters piston displacement that produces not more than five brake horsepower and is capable of propelling the vehicle at a speed greater than 20 mph on a level surface. [ORC 4501.01(YY) via 4511.01(LLLL)]

Power	Gas	
Age Limit	Yes, depending on type of license	
License Required	Temp – 15½ yoa; Probationary – 16 yoa; License – 18 yoa	4507.05
Equipment Requirements	Headlights	4513.04
	Rearview Mirrors	4513.23
	Directional Signals	4513.261
	Stop Lights	4513.071
May be Ridden on:		
Street	Yes, may not exceed 45 mph; traffic laws apply	4511.214
Bike Lanes	No	XCC
Sidewalk	No	4511.711
Bike Path	No	4511.713
Shared Use Paths	No	XCC
Hiking Paths	No	XCC



LOW-SPEED MICROMOBILITY DEVICE: A device weighing less than 100 pounds that has handlebars, is propelled by an electric motor or human power, and has an attainable speed on a paved level surface of not more than 20 mph when propelled by the electric motor. [ORC 4511.01(WWW)]

Power	Electric or Human Power	
Age Limit	On Rentals only (16 yoa)	4511.514
License Required	No	
Equipment Requirements	Headlamp (device or operator) required at night	4511.514
Helmet Required	No	
May be Ridden on:		
Street	Yes, not more than 45 mph; traffic laws apply	4511.514
Bike Lanes	Yes	4511.514
Sidewalk	Yes, unless otherwise posted	4511.514
Bike Path	Yes	4511.514
Shared Use Paths	Yes	4511.514
Hiking Paths	No	XCC



ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE: A self-balancing two non-tandem wheeled device that is designed to transport only one person, has an electric propulsion system of an average of 750 watts, and when ridden on a paved level surface by an operator who weighs 170 pounds and has a maximum speed of less than 20 mph. [ORC 4501.01(TT)]

Power	Electric	
Age Limit	14 yoa; if under 16 yoa, may operate if under direct supervision of an adult	4511.512
License Required	No	
Equipment Requirements	Headlamp (device or operator) required at night	4511.512
Helmet Required	Yes, under 18yoa	4511.512
May be Ridden on:		
Street	Yes, not more than 45 mph; traffic laws apply May not operate on any street with a speed limit of ± 55 mph	4511.512
Bike Lanes	Yes	XCC
Sidewalk	Yes, unless otherwise posted	4511.512
Bike Path	Yes	XCC
Shared Use Paths	Yes	XCC
Hiking Paths	No	XCC



XENIA CITY COUNCIL
LEGISLATIVE COVER MEMO

Procedural History & Timeline:

Reviewed by Legis. Review Comm.:	September 1, 2026
Introduction:	September 24, 2026
Public Hearing & Vote:	October 8, 2026
Effective Date:	November 7, 2026

Agenda Item: **ORDINANCE 2026 – 37**
AMENDING SECTION 648.10, TITLED "JUVENILE CURFEW," OF THE XENIA CITY CODE

Submitted & Presented by: Donnette Fisher, Law Director

Summary: The City has maintained a juvenile curfew since 1965 but that curfew, as contained in § 648.10, has not been meaningfully updated since 2006. Under the current curfew language, a police officer who finds a minor violating curfew must "instruct the minor to proceed to his or her home forthwith." A written notice is then to be mailed to the parents of the minor advising them of the curfew violation. This process may have been adequate in 1965, a stronger enforcement mechanism is needed today.

The proposed amendments will establish two curfews based on age. Juveniles under 13 years of age must observe a sunset-to-sunrise curfew unless accompanied by a parent. For juveniles 13-18 years of age, the curfew remains 11:00 p.m. to 6:00 a.m. Sunday through Thursday and midnight and 6:00 a.m. Friday and Saturday. (Note: these hours do not allow juveniles to remain in any of the City's parks past the parks' closing time of sunset). Recognizing the activities juvenile 13-18 years of age may be involved with, affirmative defenses to an alleged violation have also been added. These include when the juvenile is accompanied by a parent or other adult with parental permission; returning from a school activity, work, a city-sponsored event (such as July 4th), or other activity of a religious or voluntary organization; or when the juvenile is in front of the juvenile's own home.

The proposed amendments also strengthen the responsibility of parents to prevent curfew violations and businesses where juveniles may loiter. Current curfew language allows any juvenile found violating curfew to be cited in Greene County Juvenile Court. That provision remains, with the addition that the Police may take the juvenile into custody (rather than merely directing them to go home). Penalties for parents and business owners who allow curfew violations have also been tightened, with an increasing monetary penalty for repeat violations.

Cover Memo Attachments: None.

Budgetary Impact: N/A

Vote Required for Adoption: The affirmative vote of a majority of the members of Council present at the meeting, per Charter § 5.02(E).

Recommendation: The proposed amendments to § 648.10 were reviewed with Council's Legislative Review Committee on September 1, 2026, who voted unanimously (3-0) to recommend Council adopt Ordinance 026-37 to amend the City's juvenile curfew.

CITY OF XENIA, OHIO
ORDINANCE 2026 – 37

AMENDING SECTION 648.10, TITLED "JUVENILE CURFEW," OF THE XENIA CITY CODE

WHEREAS, City Council, with the adoption of Ordinance 65-18 on June 24, 1965, first adopted and established a juvenile curfew pursuant to § 648.10 of the Xenia City Code;

WHEREAS, Council's Legislative Review Committee has recommended to this Council certain amendments to § 648.10, which has not been substantially updated since 2006; and

WHEREAS, this Council finds it to be in the best interests of the health, safety, and welfare of the City and its residents to amend § 648.10 of the Xenia City Code to make those amendments recommended by the Legislative Review Committee,

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

Section 1. § 648.10, to be renamed "Juvenile Curfew," of the City's General Offenses Code, as contained in Part Six – General Offenses of the Xenia City Code, is hereby amended as shown in the attached Exhibit A.

Section 2. Existing § 648.10 is hereby repealed.

Section 3. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted 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 4. This Ordinance shall take effect November 7, 2026.

Introduced: September 24, 2026
Adopted:

Wesley E. Smith
Xenia City Council President

Attest:

Amy E. Brown
City Clerk

§ 648.10 **JUVENILE** ~~MINORS~~ CURFEW.

(a) Juveniles Under Thirteen Years of Age. No juvenile under thirteen (13) years of age shall be in, about or upon the streets, parks, or other public places in the City during the period of sunset to sunrise, unless accompanied by a parent.

(b) **Juveniles Thirteen to Eighteen Years of Age.** ~~Unlawful Conduct of Minors; Hours; Exceptions.~~ **No juvenile between the ages of thirteen and eighteen years shall, either on foot or cruising about without a set destination in any vehicle, be in, about or upon on the streets, parks, or other public places in the City between the hours of 11:00 p.m. and 6:00 a.m. Sunday through Thursday and between the hours of 12:00 midnight and 6:00 a.m. on Friday and Saturday, unless accompanied by a parent or where the presence of such juvenile is connected with or required by some legitimate employment or occupation.**

~~(1) No minor shall loiter in or upon any public place or business between the hours of 11:00 p.m. and 6:00 a.m. of the following day, except that on Fridays and Saturdays the hours shall be from 12:00 midnight to 6:00 a.m.~~

~~(2) No minor shall drive or ride aimlessly in a motor vehicle, motorcycle or bicycle between the hours of 11:00 p.m. and 6:00 a.m. the following day, except that on Fridays and Saturdays the hours shall be from 12:00 midnight to 6:00 a.m.~~

~~(3) The provisions of this section shall not apply to a minor who is:~~

~~A. Accompanied by a parent, guardian, or custodian;~~

~~B. Accompanied by an adult specified by a parent, guardian, or custodian;~~

~~C. Carrying out an errand or other lawful activity as directed by a parent, guardian, or custodian; or~~

~~D. Occupying the sidewalk of the place where the minor resides, or the sidewalk of a place where the minor has permission from his or her parent or guardian to be, or the sidewalk of a next-door neighbor not communicating an objection to a police officer.~~

~~E. Participating in, going to, or returning from:~~

~~i. Lawful employment;~~

~~ii. A lawful athletic, education, entertainment, religious, or social event; or~~

~~iii. Interstate travel.~~

(c) **Responsibility** ~~Unlawful Conduct~~ of Parents. No parent **or legal guardian of any juvenile** shall **allow such juvenile to violate division (a) or division (b) of this section** ~~knowingly permit any minor in his or her charge to loiter in or upon any public place or business or to drive or ride aimlessly between the hours of 11:00 p.m. and 6:00 a.m. of the following day, except that on Fridays and Saturdays the hours shall be from 12:00 midnight to 6:00 a.m~~.

(d) **Responsibility** ~~Unlawful Conduct~~ of **Business** Owners **or** ~~and~~ Operators ~~of Businesses~~. No **owner,** operator**, or person in charge or control** of a**ny public place** ~~business~~, or any agent or employee thereof, shall **allow the presence of any juveniles in, about or upon such place in violation of subsections (a) or (b) hereof. Whenever an owner, operator or person in charge or control of any public place finds in, about or upon such place a juvenile who is violating subsection (b) or (c) hereof, such owner, operator or person shall immediately order the juvenile to leave. If the juvenile refuses to leave such place, the owner, operator or person in charge or control shall immediately notify the City Police Division of the violation** ~~knowingly permit any minor to loiter upon the premises of the business between the hours of 11:00 p.m. and 6:00 a.m. of the following day, except that on Fridays and Saturdays the hours shall be from 12:00 midnight to 6:00 a.m~~.

(e) **Affirmative Defenses.** ~~Enforcement.~~ **The following shall be affirmative defenses to a charge of a violation of division (a), (b), (c), or (d) of this section:**

(1) The juvenile is accompanied by a parent, legal guardian, or other adult authorized in writing by a parent of the juvenile.

(2) The juvenile is exercising First Amendment rights protected by the United States Constitution, such as free exercise of religion, freedom of speech and the right of assembly; provided, however, that written notice signed by the juvenile and countersigned by a parent is in the possession of the juvenile specifying when, where, and in what manner such juvenile will be exercising such First Amendment rights.

(3) The juvenile is on the sidewalk of the place where such juvenile resides, or on the sidewalk of either next-door neighbor, who has not communicated an objection to the police officer or the City Police Division.

(4) The juvenile is returning home, by a direct route from, and within thirty (30) minutes of, the termination of a school activity, or any activity of a religious or other voluntary association, or activity authorized in accordance with division (e)(8), below.

(5) The juvenile is otherwise lawfully engaged, with written parent consent dated the same date as the juvenile is discovered, in a motor vehicle with a lawfully authorized driver.

(6) The juvenile is a duly authorized and licensed driver and is operating a motor vehicle within the City for the purpose of passing through, by direct route, from one location to another either within or out of the City, including all juveniles that may also be within the vehicle.

(7) In the case of reasonable necessity, such as an emergency, but only after such juvenile's parent has communicated to the City Police Division the facts establishing such reasonable necessity or when such emergency is clearly apparent to the investigating officer.

(8) The juvenile is authorized by an act of City Council, or by an administrative directive from the Public Safety Director, for events involving a number of juveniles, such as trick-or-treating. Such authorization should be issued sufficiently in advance to permit publicity through news media and other agencies, such as schools. The authorization shall define the activity, the scope of the use of the streets or public places permitted, and the period of time involved. The Public Safety Director shall notify the City Police Division of the issuance of any such authorization.

~~Any police officer who finds a minor in violation of division (b) of this section shall obtain from the minor his or her name, address and age and the names of his or her parents. The minor shall thereupon be instructed to proceed to his or her home forthwith. A written notice shall then be mailed by the Chief of Police to the parents of the minor advising them of the violation of division (b) of this section.~~

(f) **Penalties** ~~Penalty~~.

(1) **Any juvenile who violates division (a) or (b) hereof may be taken into custody by the City Police Division and turned over to the Juvenile Court of Greene County, Ohio, to be charged in accordance with Juvenile Court law and procedures.** ~~Whoever, being an adult, violates any of the provisions of this section, is guilty of a minor misdemeanor.~~

(2) **Any person who violates division (c) or (d) hereof is guilty of an unclassified misdemeanor, and in addition to any other penalties allowed by law, the Court shall fine the person as follows:**

A. On a first offense, not less than twenty-five dollars ($25.00);
B. On a second offense within one year, not less than fifty dollars ($50.00);
C. On a third offense within one year, not less than one hundred dollars ($100.00);
D. On a fourth offense within one year, not less than two hundred dollars ($200.00);
E. On a fifth offense within one year, not less than four hundred dollars ($400.00);
F. On a sixth offense within two years, not less than six hundred dollars ($600.00);
G. On a seventh offense within two years, not less than eight hundred dollars ($800.00);
H. On an eighth offense or higher within two years, not less than one thousand dollars ($1,000.00).

~~Minors violating any of the provisions of this section shall be dealt with in accordance with Juvenile Court law and procedure.~~

(g) Definitions. For the purposes of this section, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the past tense or the future tense; words used in the singular include the plural and the plural the singular.

(1) "Allow" means to permit or to neglect to refrain or prevent. "Allow" includes both actual and constructive knowledge on the part of the person; meaning the person must actually know the juvenile is violating this section, or the circumstances are such that a reasonable person under the same circumstances should have known the juvenile was violating this section.

(2) "City" shall mean the City of Xenia.

(3) "Juvenile" shall mean any unmarried person under the age of eighteen (18) years.

(4) "Owner" or "Operator" shall mean any person, business, corporation, or entity operating or having management and control of a public place.

(5) "Parent" shall mean the parent, legal guardian, custodian, person having legal custody or control of the juvenile, or any person over the age of eighteen (18) years, who is *in loco parentis* to the juvenile.

(6) "Public place" shall mean any street, alley, sidewalk, right-of-way, park, parking lot, playground or other place open to or used by the public for lawful purposes. "Public place" shall also include, but not be limited to, any store, shop, restaurant, tavern, bar, bowling alley, café, theater, pool room or arcade, shopping center and any other place devoted to amusement, entertainment or retail sales to the general public, and shall include the property upon which such uses are located, including parking lots.

(7) "Vehicle" shall include every device, including a bicycle, electric bicycle, e-moto, motorized bicycle or moped, motor-driven cycle or motor scooter, low-speed micromobility device, or electric personal assistive mobility device, in, upon, or by which the juvenile may be transported upon a street or sidewalk.

(Ord. 65-18. Adopted 06/24/65; Ord. 06-70. Adopted 11/09/06; Ord. 19-22. Adopted 11/26/19; Ord. 2026-37. Adopted **/**/26)

XENIA CITY COUNCIL
LEGISLATIVE COVER MEMO

Procedural History & Timeline:
Presentation & Vote: September 24, 2026
Effective Date: September 24, 2026

Agenda Item: **RESOLUTION 2026 – 051**
AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR THE OHIO PUBLIC WORKS COMMISSION'S STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AND TO EXECUTE CONTRACTS, AS REQUIRED, FOR PROGRAM YEAR 2027 (PY 41) FOR THE W. MAIN STREET (FROM PROGRESS DR. TO ORANGE ST.) IMPROVEMENT PROJECT

Submitted By: Chris Berger, Public Service Director
Presented By: Brent Merriman, City Manager

Summary: The City of Xenia was recently notified that the Ohio Public Works Commission ("OPWC") is accepting Round 41 (Program Year 2027) applications for State Capital Improvement (Issue II) and/or Local Transportation Improvement funds for the rehabilitation of local infrastructure. For this round of applications, the City's engineering staff recommends submitting the W. Main Street (from Progress Drive to Orange Street) Improvements Project ("Project") for funding. It should be noted that the City was previously awarded Surface Transportation Program (STP) funds from MVRPC to rehabilitate W. Main Street from Orange Street to W. Church Street, which will occur in 2028. If awarded Issue II funding, this Project would be a nice compliment to the STP project, particularly for eastbound motorists as they approach the downtown and the Xenia Market District (XMD).

Cover Memo Attachment(s): None

Budgetary Impact: The estimated total cost for the Project is $1,318,720 with a proposed 69% (State) – 31% (City) split. This would result in $909,916.80 in OPWC funds (Fund 362) and a required local match of $408,803.20 (Street Fund, including cost centers 221, 228, and 229). If awarded Issue II funding, the required local match will be budgeted in the City's 2027 Capital Improvement Plan.

Vote Required for Passage: The affirmative vote of a majority of the members of Council present at the meeting, per Charter § 5.05(A).

Recommendation: It is the recommendation of the City's engineering staff that Council pass Resolution 2026-051 to authorize the City Manager to prepare and submit a funding application to OPWC for the W. Main Street (Progress Dr. to Orange St.) Improvement Project, and to execute any required contracts if funding is granted.

CITY OF XENIA, OHIO
RESOLUTION 2026 – 051

AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR THE OHIO PUBLIC WORKS COMMISSION'S STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AND TO EXECUTE CONTRACTS, AS REQUIRED, FOR PROGRAM YEAR 2027 (PY 41) FOR THE W. MAIN STREET (FROM PROGRESS DR. TO ORANGE ST.) IMPROVEMENT PROJECT

WHEREAS, the Ohio Public Works Commission ("OPWC") administers the State Capital Improvement Program (Issue II) and the Local Transportation Improvement Program, which provide financial assistance to political subdivisions for capital improvements to public infrastructure;

WHEREAS, the City of Xenia is planning to make capital improvements by completing the W. Main Street (Progress Dr. to Orange St.) Improvement Project (the "Project"), which will make improvements to the roadway and associated appurtenances on W. Main Street, from Progress Drive to Orange Street; and

WHEREAS, the infrastructure improvement Project herein above-described is considered to be a priority need for the community and is a qualified project under OPWC's programs,

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

Section 1. The City Manager is hereby authorized to prepare and submit an application to the OPWC for State Capital Improvement Program and/or Local Transportation Improvement Program funding for the W. Main Street (Progress Dr. to Orange St.) Improvement Project for Program Year 2027 (PY 41).

Section 2. The City Manager is further authorized to enter into any contracts and execute any documents as may be necessary and appropriate to obtain State funding for said Project.

Section 3. It is hereby found that all formal actions of this Council concerning and relating to the passage of this Resolution were conducted 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 4. This Resolution shall become effective immediately upon its passage.

Passed: September 24, 2026

Wesley E. Smith
Xenia City Council Present

Attest:

Amy E. Brown
City Clerk

Procedural History & Timeline:
ASC Meeting: July 14, 2026, and September 8, 2026
Presentation & Vote: September 24, 2026
Effective Date: September 24, 2026

Agenda Item: **RESOLUTION 2026 – 052**
AMENDING RESOLUTION 2026-003, ESTABLISHING THE CITY'S 2026 ORGANIZATIONAL PLAN, LISTING POSITION TITLES AND NUMBER OF POSITIONS FOR EACH TITLE FOR CITY OF XENIA PERSONNEL

Submitted By: Jackie Potter, Administrative Services Director
Presented By: Brent Merriman, City Manager

Summary: Section 10.06 of the City Charter requires the Administrative Steering Committee to recommend to Council a yearly Organizational Plan, setting forth all City positions by title, both classified and unclassified, the number of positions for each position title, and the pay grade or pay range number for each position title. Council must then approve the recommended yearly Organizational Plan, by resolution, with or without amendment (modification). The current 2026 Organizational Plan was approved by Council on January 22, 2026, by Resolution 2026-003.

The Administrative Steering Committee met on July 14, 2026, and recommends amending the 2026 Organizational Plan to include the following changes:

- Law Department:
  - Change title of "Victim Advocate Supervisor" to "Victim Advocate Grant Coordinator."
  - Add "Assistant City Prosecutor" position and authorize one (1) full-time position at Pay Grade 5.
- Xenia Municipal Court: Decrease "Deputy Clerk" from nine (9) to eight (8) full-time positions and increase the number of authorized full-time positions for "Probation Officer" from four (4) to five (5).
- Public Safety Department:
  - Fire & EMS Division – Increase the number of authorized full-time positions for "Firefighter" from thirty-five (35) to thirty-eight (38) and increase the number of authorized part-time positions for "Fire Inspector" from two (2) to three (3).
  - Police Division – Increase the number of authorized full-time positions for "Police Officer" from thirty-eight (38) to forty (40).

Cover Memo Attachment(s): None.

Budgetary Impact: None.

Vote Required for Passage: The affirmative vote of a majority of the members of Council present at the meeting, per Charter § 5.05(A).

Recommendation: It is the recommendation of the Administrative Steering Committee that Council pass Resolution 2026 – 051 to make the recommended amendments to the 2026 Organizational Plan.

CITY OF XENIA, OHIO
RESOLUTION 2026 – 052

AMENDING RESOLUTION 2026-003, ESTABLISHING THE CITY'S 2026 ORGANIZATIONAL PLAN, LISTING POSITION TITLES AND NUMBER OF POSITIONS FOR EACH TITLE FOR CITY OF XENIA PERSONNEL

WHEREAS, Section 10.06 of the City Charter requires the Administrative Steering Committee to recommend to this Council an Organizational Plan, setting forth all City positions by title, the number of authorized positions for each title, and the pay grade or pay range number for each position;

WHEREAS, this Council, by Resolution 2026-003, passed on January 22, 2026, established the City's 2026 Organizational Plan as required by City Charter; and

WHEREAS, Section 10.06 of the City Charter requires this Council to approve, by resolution, the recommended Organizational Plan, with or without amendment,

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

Section 1. Exhibit A of Resolution 2026-003, establishing the City's 2026 Organizational Plan, is hereby amended as set forth in the attached Exhibit A, subject to the availability of funds in the Annual Appropriations Ordinance.

Section 2. Existing Resolution 2026-003 is hereby repealed.

Section 3. It is found that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 4. This Resolution shall become effective on September 10, 2026, and shall expire upon Council's passage of a resolution establishing the City's 2027 Organizational Plan.

Passed: September 24, 2026

Wesley E. Smith
Xenia City Council President

Attest:

Amy E. Brown
City Clerk

Classification	Position	Full-Time	Part-Time	Pay Grade or Range No.
CITY MANAGER'S OFFICE				
UNC	City Manager	1	0	Set by Council
UNC	Assistant City Manager	1	0	PG 009
UNC	Executive Assistant to the City Manager	1	0	PG 004
ADMINISTRATIVE SERVICES DEPARTMENT				
UNC	Administrative Services Director	1	0	PG 009
SUPPORT SERVICES DIVISION				
C	Administrative Services Specialist	2	0	RN 414
PUBLIC RELATIONS DIVISION				
UNC	Public Relations Coordinator	1	0	PG 004
INFORMATION TECHNOLOGY DIVISION				
UNC	Chief Technology Officer	1	0	PG 008
UNC	Network Administrator	1	0	PG 006
UNC	Systems Administrator	1	0	PG 006
C	IT Technician	1	0	RN 414
C	Management Analyst	1	0	PG 002
DEVELOPMENT SERVICES DEPARTMENT				
UNC	Development Services Director	Filled by Asst. City Manager [XCC 219.02(b)(9)]		
COMMUNITY DEVELOPMENT DIVISION				
UNC	Community Development Coordinator	1	0	PG 004
ECONOMIC DEVELOPMENT DIVISION				
UNC	Economic Development Coordinator	1	0	PG 007
PLANNING & ZONING DIVISION				
UNC	City Planner	1	0	PG 007
C	Code Enforcement Officer	2	0	PG 002
BUILDING DIVISION				
UNC	Chief Building Official	Filled by Contracted Services [XCC 234.02(a)]		
PUBLIC SAFETY DEPARTMENT				
UNC	Community Resources Coordinator	1	0	PG 003
POLICE DIVISION				
UNC	Police Chief	1	0	PG 009
UNC	Police Major	2	0	PG 008
C	Police Sergeant	7	0	RN 224
C	Police Officer	**40** ~~38~~	0	RN 215
UNC	Police Cadet	3	0	RN 215
C	Police Service Aide	4	0	RN 414
C	Court Security Officer	0	6	PG 002

C = Classified
UNC = Unclassified

PG = Pay Grade
RN = Range Number

Classification	Position	Full-Time	Part-Time	Pay Grade or Range No.
FIRE & EMS DIVISION				
UNC	Fire & EMS Chief	1	0	PG 009
UNC	Deputy Fire & EMS Chief	2	0	PG 008
C	Fire Inspector	0	**3** ~~2~~	PG 003
C	Fire & EMS Captain	3	0	RN 327
C	Fire & EMS Lieutenant	6	0	RN 324
C	Firefighter	**38** ~~35~~	0	RN 315
EMERGENCY COMMUNICATIONS DIVISION				
UNC	Emergency Communications Administrator	1	0	PG 008
UNC	Emergency Communications Supervisor	2	0	PG 005
C	Emergency Communications Operator	20	0	RN 312
UNC	Public Safety Technology Officer	1	0	PG 007
PUBLIC SERVICE DEPARTMENT				
UNC	Director of Public Service	1	0	PG 009
UNC	City Engineer	1	0	PG 007
UNC	Assistant City Engineer	1		PG 006
C	Engineering Project Manager	2	0	PG 005
C	GIS Analyst	1	0	PG 003
C	Management Analyst	1	0	PG 002
C	PS Maintenance Supervisor – Utilities & Streets	1	0	PG 006
C	PS Maintenance Supervisor – Facilities & Fleet	1	0	PG 006
C	Electrician	1	0	RN 117
C	Equipment Operator - In Training, I, and/or Lead	8	0	RN 113, 114 or 116
C	Maintenance Worker	19	0	RN 112
UNC	Unskilled Laborer	0	2	PG 001
UNC	Facility & Ground Attendant	1	2	PG 001
C	Equipment Mechanic	2	0	RN 115
C	Water Treatment Plant Supervisor	1	0	PG 006
C	Water Treatment Plant Operator I	5	1	RN 114
C	Water Treatment Plant Operator II	1	0	RN 117
C	Wastewater Treatment Plant Supervisor	1	0	PG 006
C	WWTP Operator I	~~4~~	0	RN 114 or 115
C	Wastewater Treatment Plant Operator II	2	0	RN 117
C	Treatment Plant Lab Technician I	1	0	RN 117
C	Treatment Plant Lab Technician II	1	0	RN 118

C = Classified
UNC = Unclassified

PG = Pay Grade
RN = Range Number

Classification	Position	Full-Time	Part-Time	Pay Grade or Range No.
LAW DEPARTMENT				
UNC	Law Director	1	0	Set by Council
UNC	Assistant to the Law Director	1	0	PG 002
CITY PROSECUTION DIVISION				
UNC	City Prosecutor	1	0	PG 007
UNC	**Assistant City Prosecutor**	**1**	**0**	**PG 005**
VICTIM ADVOCATE DIVISION				
UNC	Victim Advocate ~~Supervisor~~ **Grant Coordinator**	1	0	PG 004
C	Victim Advocate	2	1	PG 002
FINANCE DEPARTMENT				
UNC	Finance Director	1	0	Set by Council
UNC	Assistant Finance Director	1	0	PG 008
ACCOUNTING DIVISION				
C	Finance Technician	2	0	RN 416
ACCOUNTS RECEIVABLE & BILLING DIVISION				
UNC	Accounts Receivable Manager	1	0	PG 006
C	Finance Clerk – A/R	4	0	RN 412
TAX DIVISION				
UNC	Tax Administrator	Filled by Contracted Services [XCC 254.02(a)]		
PAYROLL & BENEFITS DIVISION				
C	Finance Clerk – Payroll	1	0	RN 414
CITY CLERK'S OFFICE				
UNC	City Clerk	1	0	Set by Council
UNC	Deputy City Clerk	1	0	PG 003
XENIA MUNICIPAL COURT				
UNC	Court Administrator/Magistrate	1	0	PG 006
UNC	Magistrate	0	1	Set by Judge
UNC	Clerk of Courts	1	0	PG 005
UNC	Deputy Clerk	**8** ~~9~~	0	Set by Clerk of Court
UNC	Chief Bailiff	1	0	Set by Judge
UNC	Bailiff	2	0	Set by Judge
UNC	Chief Probation Officer	1	0	PG 004
UNC	Probation Officer	**5** ~~4~~	0	PG 002
UNC	Court Reporter	1	0	PG 002
UNC	Office Aide	0	1	PG 001

C = Classified
UNC = Unclassified

PG = Pay Grade
RN = Range Number

A. The appointed officials are hereby authorized to hire interns on a temporary, part-time basis, the compensation for such interns to be determined on a case-by-case basis, within the limits of the appropriations set by Council in the Annual Appropriations Ordinance for the Department or Division in which the intern is employed.

B. The Police Division is hereby authorized to use Reserve Police Officers for the purpose of filling Special Duty details **and other details, as determined by the Chief of Police and approved by the Public Safety Director**.

C. **When any position listed in this Plan is anticipated to become vacant due to retirement, leave of absence, or resignation, that position shall not be counted toward the total number of positions authorized and the appropriate appointing authority may appoint an employee for such anticipated vacant position without exceeding the total number of positions authorized; provided, however, that should the anticipated vacancy not occur when anticipated, no such temporary appointment shall exceed three (3) months in length.**

D. The following positions have been created by Council pursuant to the City's Administrative Code, but are not currently a part of the City's Organizational Plan:

- Personnel Management Administrator (Admin. Services Dept., Personnel Management Division)
- Assistant Public Safety Director (Public Safety Dept.)
- Fire & EMS Cadet (Public Safety Dept., Fire & EMS Division)