

RECORD OF ORDINANCES

Ordinance No. 2022-O-9

November 28, 2022

City of Bellbrook State of Ohio

Ordinance No. 2022-O-9

REPEALING TITLE SIX “OTHER PUBLIC SERVICES” OF THE BELLBROOK MUNICIPAL CODE AND ENACTING A NEW TITLE SIX “OTHER PUBLIC SERVICES” OF THE BELLBROOK MUNICIPAL CODE

WHEREAS, the City of Bellbrook previously adopted Title Six “Other Public Services” into the Bellbrook Municipal Code; and

WHEREAS, the City Council wishes to repeal and replace Title Six “Other Public Services” to provide updated policy within the Code.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY ORDAINS:

Section 1. That the old Title Six “Other Public Services” of the Bellbrook Municipal Code be and is hereby repealed in its entirety.

Section 2. A new Title Six “Other Public Services” of the Bellbrook Municipal Code be and is hereby enacted as set forth in Exhibit A attached hereto and incorporated herein by reference with deletions shown by strikethrough and additions shown by bold and underline:

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

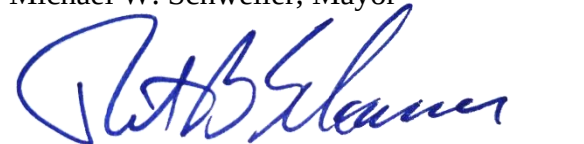
PASSED BY City Council this 28th day of November, 2022.

 7 Yeas; 0 Nays.

AUTHENTICATION:



Michael W. Schweller, Mayor



Robert Schommer, Clerk of Council

APPROVED AS TO FORM:

Stephen McHugh, Municipal Attorney

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EXHIBIT A

TITLE SIX – OTHER PUBLIC SERVICES

CHAPTER 1060. – GARBAGE AND RUBBISH COLLECTION AND DISPOSAL

Sec. 1060.01. Definitions.

As used in this chapter:

Authorized Collection Agent means an owner of a collection and transportation vehicles which has been approved for Waste Material and/or Recycle collection and transportation under a contract with the City of Bellbrook.

Construction waste means waste from building construction, alteration or repair, dirt from excavations, and unusual or special manufacturing or trade waste. This type of waste, which is not classified as municipal waste, will not be collected with the regular collection, but shall be subject to collection charges made for special service.

Garbage means all waste, animal, fish, fowl, fruit or vegetable matter.

Large/Bulk Items include but are not limited to household appliances, sofas, chairs, household furniture, carpet and mattresses.

Multifamily residence, apartment and dwelling mean the grouping together under a common roof of three or more residential units.

Recyclable means items capable and permitted for recycling including, but not be limited to, newspapers, magazines, catalogs, telephone books, junk mail, paper cartons, #1, #2, and #6 plastics, and all glass food and drink containers (clear or colored), and aluminum and bi-metal beverage cans

Refuse means municipal waste, consisting of certain discarded products incidental to residential housekeeping and small commercial enterprises, as further defined under the sections pertaining to garbage and rubbish, and that waste incidental to the use, preparation and storage of food for human consumption. It shall include spoiled fruit and dead animals.

Residential unit or dwelling means the place of abode of a person or persons living separately or together as an independent family.

Rubbish means the miscellaneous waste material and refuse from housekeeping and ordinary mercantile enterprises, including packing boxes, cartons, excelsior, paper, ashes, cinders, tin cans, bottles, metals, rubbish, etc. **brush in small piles or tied in bundles of not more than four feet in length, grass clippings, leaves, etc.**

Sec. 1060.02. Intent and purpose; **Residential solid waste collection and disposal.**

- (a) It is the intent of Council that this chapter be liberally construed for the purpose of providing a sanitary and satisfactory method of preparation, collection and disposal of municipal refuse and the maintenance of public and private property in a clean, orderly and sanitary condition for the peace, health and safety of the community. The City Manager is hereby authorized to make such rules and regulations as from time to time appear to him or her to be necessary to carry out this intent, provided, however, that such rules are not in conflict with this chapter or with other ordinances of the City.

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- (b) A weekly solid waste collection and disposal program and curbside recyclable collection and reclamation program for recyclable material are established in the City. All Residential Dwellings and applicable Multifamily Dwellings shall use the City Authorized Collection Agent for its Waste Material collection and are required to pay the cost for the collection and disposal of Waste Material and recyclables. The cost assessed to service to each Residential Dwelling shall be as established from time to time by City Council.
- (c) No person, other than the Authorized Collection Agent, shall collect or receive, for hire, and thereafter convey or transport on the streets and alleys or public thoroughfares of the City of Bellbrook, Waste Material from any Residential or applicable Multifamily Dwelling. Each such activity in violation hereof from one or more locations shall constitute a separate and distinct offense. The foregoing shall in no way limit the City from using its own forces, or other authorized agents to remove Waste Material at Residential or Multifamily Dwellings from time to time.
- (d) Collection of all Garbage, Refuse, Rubbish, and Recyclables shall be placed for collection in proper containers (Sec. 1060.04) with Recyclable materials separated from other Waste and set upon the curb or alley in front of the Residential or Multifamily Dwelling.

Sec. 1060.03. Preparation of refuse.

Refuse shall be prepared as follows:

- (a) *Domestic garbage.* All garbage shall be drained of all free liquid and shall be wrapped in several thicknesses of paper.
- (b) *Commercial garbage.* Garbage from hotels, clubs, restaurants, institutions and other establishments for group eating, other than private residences, need not be wrapped. Garbage resulting from handling, preparation or distribution of food and food products for consumption off the premises from such establishments as markets, commission houses, grocery stores, fruit and vegetable stands, bakeries, canneries, butcher shops and similar establishments, need not be wrapped. Such unwrapped garbage and waste shall be collected by the City under such rules and regulations as the City Manager shall from time to time establish. Undrained garbage of a liquid or semi-liquid nature will not be collected, whether in containers or not.
- (c) *Small dead animals.* Small dead animals will be collected without charge upon notification to the refuse company.
- (d) *Rubbish.* Rubbish that is larger than can be contained in containers shall be securely tied in bundles not to exceed 40 pounds in weight and placed at the curb or alley. Parts of trees or shrubs shall be tied in bundles not to exceed four feet in length and 24 inches in diameter.

Sec. 1060.04. Containers.

No owner, tenant or lessee of any public or private premises shall permit to accumulate upon his or her premises any garbage or rubbish unless it is placed and maintained as provided herein:

- (a) *Provision for containers.* The occupant of every single dwelling, two-family building, multiple-unit apartment building and small offices and retail establishments, where waste accumulates, shall provide and keep clean and in place proper portable containers as herein defined. However, multiple-unit apartment buildings and larger offices or businesses may, after giving written notice to the City verifying their use of larger commercial containers,

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- negotiate directly with a refuse hauler for price, pick-up service and billing for their commercial refuse service.
- (b) *Broken containers.* Containers that are badly broken or that otherwise fail to meet the requirements of this chapter may be classified as rubbish, and after due notice to the owner may be collected as rubbish by the refuse hauler.
 - (c) *Containers for garbage.* Portable containers for garbage shall be adequate in size and number to hold one week's accumulation and shall have a capacity of not less than ten nor more than ~~30~~ **95 gallons if resident owned**, ~~except where a special permit by the City Manager is issued for a container of a different size.~~ The container shall be of substantial metal or plastic construction, provided with handles or bails and a tight-fitting cover, and no single container shall **be overloaded to an excessive weight inhibiting handling of the container.** ~~weigh more than 75 pounds when filled.~~ The same type of container shall be used for garbage mixed with other refuse. No garbage or food wastes of any description shall be placed in an uncovered container.
 - (d) *Containers for rubbish.* Portable containers for refuse other than garbage shall be **of the same requirements for garbage.** ~~adequate in size and number to hold one week's accumulation of material. However, they shall not weigh more than 75 pounds when full. Containers shall be of reasonably substantial construction to permit handling.~~
 - (e) *Location of containers.* All containers shall be located at the curb or alley line. Containers shall not be placed under the eaves of any building in such a manner that water from the roof will enter them, and any container filled or partially filled with ice or water will not be emptied.

Sec. 1060.05. Service charges.

- (a) Effective January 1, 2020~~3~~, there is established a monthly charge of ~~(21) fifteen~~ **twenty one** dollars and fifty cents (\$~~15~~**21.50**) for normal refuse collection within the City. **Effective with the April 2023 billing, all of the monthly charges then in effect shall be subject to an annual cost of living increase based on Consumer Price Index, Series ID #CUURD2005A0 as published by the U.S. Department of Labor, Bureau of Labor Statistics using the twelve-month percentage change of December to December unless otherwise waived.** All utility bill payments shall be applied first to refuse charges and any remaining amount shall be applied to water charges. Said refuse charge shall be paid by the occupant of each occupied single-family residence and by each occupant of a multifamily residence not covered by a commercial contract pursuant to Section 1060.04(a). Each operator of a business which generates a normal amount of refuse shall pay the normal collection charge, unless other arrangements are made pursuant to Section 1060.04(a). Each operator of a business which generates refuse in excess of the normal amount shall make arrangements for commercial collection in accordance with the provisions of these Codified Ordinances. Any residential user of the refuse collection service who generates refuse in excess of the normal amount shall pay a surcharge equal to the actual cost of collecting such excess. For the purposes of this section a normal amount of refuse shall mean a weekly accumulation which is capable of being contained in ~~ten~~ **six (6)** or fewer 30-gallon containers **(cans/bags), or two (2) 95-gallon trash carts and up to three (3) large items per service day,** exclusive of yard waste such as grass, leaves or brush.

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- (b) City of Bellbrook residents who are currently enrolled in the "low volume service" program initially established by the enactment of Ordinance 2011-12 shall continue to enjoy the benefits of those "low volume service" rates until such time a new account or property owner for the associated address is established ~~December 31, 2022~~, at which time those rates shall cease and the rates prescribed by Section 1060.05(a) above shall be implemented. After December 31, 2022 there will be no new or additional "low volume service" program accounts established.

Sec. 1060.06. Transportation.

The transportation of all garbage, rubbish or waste material through the streets of the City shall be conducted in such manner as to create no nuisance. The vehicle conveying waste must be of such construction and so operated that contents shall not spill upon the public streets.

Sec. 1060.07. Miscellaneous regulations.

- (a) *Recycling.* Recycling of certain items, i.e., newspaper, glass, aluminum, etc., is encouraged, and containers for the same will be provided by the refuse hauler.
- (b) *Ownership of refuse.* All junk, recyclables and other materials at residential collection sites within a City right-of-way are the property of the refuse hauler, and no person is allowed to separate, collect, carry off or dispose of the same, except under the direction of the City Manager.
- (c) *Burning and burying.* No person shall, within the corporate limits of the City, throw any garbage or refuse upon the ground or bury the same on any premises, public or private, or burn the same, except in a heating plant so designed as to thoroughly consume the same without causing a nuisance of smoke ash or offensive odors, or burn the same in any manner that may constitute a fire hazard.
- (d) *Depositing.* No person shall deposit, or cause to be deposited, sort, scatter or leave, any rubbish, earth, ashes, cinders, sawdust, ice, glass, manure, filth, paper, dirt, grass, leaves, twigs, brush, garbage or other offensive material in any public street or public property of the City, or on any private property, except on approved private or public dumps, and except where certain of these materials are used in a normal manner for improving property by grading, fertilizing or surfacing.
- (e) *Scattering.* Old newspapers, handbills, waste paper, floor sweepings or other litter shall not be scattered or thrown upon public or private property, but shall be deposited in public or private receptacles.
- (f) *Safety.* No person shall deposit or leave in any public street or public place, or in any private place or premises, any glass, broken or not broken, any metals, stones, earthenware, tacks, cinders or other substance of a nature likely to cause injury to travelers or pedestrians, or to injure any animal, or which might injure, cut or puncture any pneumatic tire.

Sec. 1060.08. Waste collection.

Unpaid refuse collection bills are hereby made a lien upon the real property served by the refuse collection service. If such bills are not paid in accordance with the billing procedure adopted by the City, they shall be certified to the County Auditor's office by a certification signed by the Director of Finance. The Auditor shall then place the same on the tax duplicate, with interest and penalties allowed by law, and the same shall be collected.

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Sec. 1060.09. Billing.

- (a) The garbage service billing procedure shall be established by the Director of Finance and may be changed from time to time to conform with good business practices. The billing procedures shall be approved by the Manager.
- (b) Statements of the charges for garbage service shall be rendered once each quarter on or about the first day of the billing month for the customers due to receive bills that month. The amount of all such charges shall be paid to the City on or before the due date listed on the bill.
- (c) If the unpaid charges are not paid on or before the due date listed on the bill, an additional charge of ten percent of the unpaid charges shall be added thereto and become part of such unpaid charges.
- (d) A shut-off notice will be mailed if the charges remain unpaid 20 days after the original due date. The shut-off notice will include a final due date for payment that will be no longer than 35 days from the original due date.
- (e) If full payment is not received by such date, service will be terminated without further notice. Restoring garbage service shall require an additional nonpayment shut-off fee as set forth in Section 1060.10 to restore or maintain service.
- (f) A customer whose payment by ~~check~~, any means is returned or rejected to the City ~~by the bank due to insufficient funds in the customer's account or because the check was written on a closed account~~ for any reason shall be charged a returned check payment fee, as set forth in Section 1060.10. The utility billing office ~~shall~~ may also require that the repayment be made in cash and may also require that future payments by that customer be made in cash or by money order.
- (g) Overpaid amounts of less than one dollar (\$1.00) on closed accounts shall not be refunded.

Sec. 1060.10. Operation fees.

Operation fees are hereby established as follows:

- (a) Nonpayment shut-off ~~\$30.00~~ \$45.00
- (b) Returned check fee ~~\$30.00~~ \$45.00.

Sec. 1060.99. Penalty.

Whoever violates any of the provisions of this chapter shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than 30 days, or both.

CHAPTER 1062. PARKS

Sec. 1062.01. ~~Personal conduct.~~

- ~~(a) Disorderly conduct. No person shall conduct himself or herself, by act or by word, in a disorderly, boisterous, riotous or other manner so as to disturb the peace and good order in a public park.~~
- ~~(b) Conduct at sporting events.~~
 - ~~(1) No participant or spectator of a sport in any City sports program shall lay a hand upon, push, shove, strike or threaten to strike an official.~~
 - ~~(2) No participant or spectator of a sport in any City sports program shall refuse to abide by an official's decision.~~

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- ~~(3) No participant shall use unnecessarily rough tactics in the play of the game against the person of an opposing player.~~
- ~~(4) No participant shall make objectionable demonstrations of dissent at an official's decision by throwing gloves, bats or personal equipment or by taking any other forceful or violent action.~~
- ~~(5) No participant shall permit a person to remain in the dugout or on the players' bench who is not a playing member of the team, a manager or a scorekeeper.~~
- ~~(6) No participant shall appear on the playing field in an intoxicated condition.~~
- ~~(c) *Abusive language.* No person shall use profane, insulting, abusive, indecent or threatening language in a public park.~~
- ~~(d) *Gambling.* No person shall solicit or procure participants for, engage in or promote, in a public park, any game which is played for money or any other thing of value.~~
- ~~(e) *Loitering.* No person shall loiter in the vicinity of shelters, equipment, restrooms or other facilities in a public park. No person shall enter facilities in a public park provided for the exclusive use of the opposite sex.~~
- ~~(f) *Indecent exposure.* No person shall make an indecent exposure of his or her person in a public park.~~
- ~~(g) *Assault.* No person shall assault or threaten another in a menacing manner or strike or wound another in a public park.~~
- ~~(h) *Resisting or obstructing a police officer.* No person shall resist, obstruct or abuse a police officer in a public park while such officer is engaged in the lawful execution of his or her duties.~~

Sec. 1062.02. Removal or defacing of property and natural features; signs.

~~(a) *Buildings, equipment and other property.*~~

~~No person shall remove any property, or part thereof, which is owned, leased or otherwise controlled by the City as a public park without the written permission of the City.~~

~~No person shall write upon, cut, mutilate, deface or damage in any manner any building, equipment or other property, or part thereof, which is owned, leased or otherwise controlled by the City.~~

~~(b) *Natural features.*~~

~~No person shall dig, move or carry away any rock, stone, sod, sand, earth, tree, wood, shrub, plant, nuts or seeds in a public park without the written permission of the City.~~

~~No person shall trample upon, injure, destroy, break, cut, chop or deface in any manner any stone, tree, shrub, plant, flower or other natural feature in a public park.~~

~~(c) *Erecting and attaching signs.*~~

~~No person shall erect any sign in a park or attach any sign to property which is owned, leased or otherwise controlled by the City as a public park, nor shall any person display any placard, notice, advertisement, circular, banner or statement of any kind, other than on a vehicle, without the written permission of the City. This section shall not apply to signs erected by the City.~~

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~~Sec. 1062.03. Deposit of materials.~~

- ~~(a) No person shall bring into a public park any garbage, ashes, refuse, grass clippings, leaves or other noxious or waste material and deposit or discard the same in or adjacent to a public park.~~
- ~~(b) No person shall, while in or adjacent to a public park, discharge, throw, drop or cause to flow into park waters any noxious or deleterious substance, either solid, liquid or gaseous.~~
- ~~(c) No person, while using facilities of a public park, shall deposit or discard in or adjacent to a park any paper, garbage, ashes, refuse or other noxious waste material, other than in receptacles provided for the disposal of such material.~~

~~Sec. 1062.04. Alcoholic beverages and drugs.~~

- ~~(a) No person shall enter a public park while under the influence of alcoholic beverages or drugs of abuse.~~
- ~~(b) No person shall take any kind of alcoholic beverage or drug of abuse into a public park or make use of the same in a public park.~~

~~Sec. 1062.05. Firearms; weapons and explosives.~~

- ~~(a) No person shall carry on or about his or her person, while in a public park, firearms of any description, bows and arrows, air or gas guns, missiles, sling shots or other missile throwing devices, except in areas that have been specifically designated for such use.~~
- ~~(b) No person shall discharge a firearm, bow and arrow, air or gas gun, missile, sling shot or other missile throwing device into a public park or discharge any such device while in a public park, except in areas designated for such use.~~
- ~~(c) No person shall bring into, fire into, or have in his or her possession or use in, a public park, fireworks or explosives of any kind.~~
- ~~(d) This section shall not apply to police officers while such officers are engaged in the lawful execution of their duties.~~

~~Sec. 1062.06. Camping.~~

- ~~(a) No person shall camp in a public park other than in an area designated for such use.~~
- ~~(b) Camping by scout troops in areas other than those designated for such use may be accomplished with written permission of the City.~~

~~Sec. 1062.07. Fires; open burning.~~

- ~~(a) No person shall start or maintain a fire in a public park except in a fireplace, in a grill or at a site designated for such purpose.~~
- ~~(b) No person, having started a fire in a designated area, shall leave the fire unattended or leave the vicinity of the fire without first fully extinguishing the fire.~~
- ~~(c) No person shall deposit or scatter hot coals or ashes in any place in a public park, other than in a receptacle provided for that purpose.~~
- ~~(d) No person shall burn wood or other flammable materials found in a public park, except wood or flammable materials provided by the City in designated containers.~~

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~~Sec. 1062.08. Domestic animals.~~

- ~~(a) No person shall bring any animal into a public park unless such animal is controlled by a leash or bridle, is in a vehicle or is suitably caged.~~
- ~~(b) No person shall ride a horse in a public park in any area not specifically designated for such use or in a manner as to endanger the rider or any other person or property.~~
- ~~(c) No person shall bring any animal into a public park and abandon such animal therein.~~

~~Sec. 1062.09. Wild animals; fishing.~~

- ~~(a) No person shall hunt, trap or in any way abuse, molest, injure, pursue, remove or destroy any natural animal found in a public park.~~
- ~~(b) No person shall move, injure, molest or destroy any bird's nest or eggs or any other animal habitation in a public park.~~
- ~~(c) No person shall trap, seine, molest, remove or destroy any natural fish or other aquatic species in a public park.~~
- ~~(d) Regulations applicable to fishing shall be posted in appropriate places in areas designated for such use.~~

~~Sec. 1062.10. Vehicular traffic.~~

- ~~(a) *Driving in permitted areas.* No person shall operate a motor vehicle, whether licensed or unlicensed, in a public park, except on and within the roads and paths provided for such motor vehicles. No person shall drive a motor vehicle, whether licensed or unlicensed, on roads or paths in violation of signs designating the rods and paths to be only for the use of a specific type of vehicle.~~
- ~~(b) *Reckless operation.* No person shall operate a motor vehicle in a public park in such a manner as to endanger the operator, another person or any property.~~
- ~~(c) *Speed.* No person shall operate a motor vehicle in a public park in excess of the posted speed limit.~~
- ~~(d) *Parking.* No person shall park any vehicle in a public park except in places designated for such purpose.~~

~~Sec. 1062.11. Hours.~~

- ~~(a) Each park shall be opened to the public during such hours as are determined by the Park and Recreation Board. Hours during which a park or part thereof shall be open to the public shall be posted at appropriate places in the park. The Police Chief may close a public park or any part thereof if he or she determines that the public safety or another emergency requires such closing.~~
- ~~(b) No person shall enter into or remain in a public park or area thereof at a time when such park or area is not open to the public.~~

~~Sec. 1062.12. Private group activities.~~

- ~~(a) No person or group shall hold a concert, rally or other group function without first submitting plans for such function for approval by the Park and Recreation Board and obtaining written permission therefor from the City.~~

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~~(b) Reservation of park facilities for family reunions, private parties and other such functions shall be obtained from the Board.~~

~~Sec. 1062.13. Ejection from parks.~~

~~Police officers and park officials are hereby authorized to order any person found violating any of the provisions of this chapter to leave the public park.~~

Sec. 1062.14. Management; authority of Bellbrook-Sugarcreek Park District.

- (a) The Bellbrook-Sugarcreek Park District is hereby authorized to manage City-owned parks, including Sackett-Wright, Petrikis, Bellbrook and Magee, ~~the proposed Ryan Park and any other park that may be acquired by the City.~~
- (b) The Park District shall operate recreational programs, submit annual budgets to the City, schedule programs and provide long-term planning.
- (c) The City shall maintain all City-owned parks. Effective April 1, 1986, the Park District shall pay the cost of park maintenance.
- (d) Such maintenance responsibilities shall include grounds maintenance, road and parking lot upkeep, trash removal and litter control, utility upkeep and routine soil erosion.

~~Sec. 1062.99. Penalty.~~

~~Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.~~

CHAPTER 1064. BELLBROOK HISTORICAL MUSEUM

~~Sec. 1064.01. Museum Trust Fund.~~

- ~~(a) There is hereby established a separate Museum Trust Fund to be maintained by the City for the receipt and expenditure of funds for the improvement, maintenance and operation of the Bellbrook Historical Museum.~~
- ~~(b) The moneys in this Fund shall be reserved solely for the improvement, maintenance and operation of the Bellbrook Historical Museum.~~
- ~~(c) The moneys in this Fund shall be invested along with other City funds and shall be credited with interest in the manner set forth in State law and according to City investment procedures.~~
- ~~(d) Appropriations for this Fund shall be made in accordance with State and local laws and shall be legally adopted by Council based upon recommendations from the Museum Board of Trustees.~~
- ~~(e) Purchase orders authorizing expenditures from the Fund between one hundred dollars (\$100.00) and five hundred dollars (\$500.00) shall be countersigned by designated Board members. Purchase orders authorizing expenditures from the Fund exceeding five hundred dollars (\$500.00) shall be authorized by a majority of the Board.~~
- ~~(f) The City shall provide the Board with a monthly financial report detailing the Fund balance and all receipts and expenditures for the previous month. Such funds shall be audited along with all City funds and copies of the relevant audit reports shall be provided to the Board.~~

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~~(g) The Board and the City shall agree to abide by all Federal, State and local laws concerning the proper accounting of public funds.~~