

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

September 5, 2019

OLD BUSINESS

ORDINANCES (SECOND OF TWO READINGS)

ORDINANCE NO. O – 08 – 19 – 11

AN ORDINANCE APPROVING AMENDMENTS TO CLAYTON CODIFIED ORDINANCE CHAPTER 1313 OF THE BUILDING CODE TO ADD A NEW SECTION 1313.10 ENTITLED “PLACEMENT OF PORTABLE TOILETS IN RESIDENTIAL AREAS” AND TO REVISE SECTION 1313.99 ENTITLED, “PENALTY”

WHEREAS, City staff has reviewed Chapter 1313 (“Residential Exterior Property Maintenance Standards”) of the Clayton Codified Ordinances and has recommended amendment thereto in order to include a new Section 1313.10 entitled, “Placement of Portable Toilets In Residential Areas”; and in conjunction therewith, City staff has recommended revisions to Section 1313.99 (“Penalty”).

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That Clayton Codified Ordinance Chapter 1313 (“Residential Exterior Property Maintenance Standards”) is hereby approved for amendment to include a new Section 1313.10 entitled, “Placement of Portable Toilets In Residential Areas” as follows. (Additions in **bold** and deletions in ~~strikethrough~~):

1313.10 PLACEMENT OF PORTABLE TOILETS IN RESIDENTIAL AREAS

(a) **Definitions.** As used in this Section 1313.10, the following definitions shall apply:

(1) **Portable Toilet:** A commercially manufactured or assembled toilet facility that is portable and is not designed or intended for connection to a sewer system with a standard connection. Portable toilets shall have a watertight, impervious pail or tank containing a chemical solution placed immediately beneath the seat or urinal and a pipe or conduit connecting the riser with the tank.

(b) **Permit Required.** Prior to placement of a Portable Toilet in an area zoned residential, application shall be made, on a form prescribed by the City, to the Director of Development. This Section 1313.10 applies to placement of Portable Toilet(s) only in residentially zoned areas of the City.

(c) Placement. A permit for placement of Portable Toilets shall be issued by the Director of Development in areas zoned residential only upon the following conditions:

- (1) Placement is necessary during active construction and/or reconstruction of one or more residential units as a temporary facility to serve construction workers. When construction workers are not present on-site, portable toilet(s) shall be secured; and**
- (2) Portable Toilet(s) shall not be placed for a period in excess of 60 days without specific written authorization from the Director of Development. The Director of Development may renew a permit upon a showing of good cause for an additional period of time not to exceed 60 days without the payment of an additional permit fee. Portable Toilet(s) may be placed for a period exceeding 60 days in a newly platted development where multiple new units will be under construction simultaneously, with specific written authorization from the Director of Development. The Director of Development may waive the location requirements for such newly platted development(s) if the Director finds the general health, safety and welfare of the community will be served; and**
- (3) Once placed, portable toilet(s) shall be regularly maintained and kept in good working order and condition at all times, including but not limited to, no broken surfaces, leaks, or foul or obnoxious odors shall be permitted; and**
- (4) Portable toilet(s) are to be placed no less than forty (40) feet from all other neighboring property lines. If property dimensions prevent placement of a portable toilet a minimum of forty (40) feet from a neighboring property line, then the portable toilet must be located no closer than thirty-five percent (35%) of the width of said property line from the neighboring property line(s); and**
- (5) Portable toilet(s) shall be placed on a hard surface; and**
- (6) Portable toilet(s) shall not be placed within the public right-of-way nor upon any public sidewalk; and**
- (7) Portable toilet(s) shall not be placed for the purpose of providing sewer service to a site, residence, or facility where sewer or water service has been discontinued due to delinquency of the account; and**
- (8) Payment of the required permit fee; and**
- (9) The Director of Development may specify in writing additional conditions for issuance of a permit, not enumerated herein, which the Director in good faith believes are necessary to protect the health, safety, and welfare of the citizens or general public.**

2. That Clayton Codified Ordinance Chapter 1313 (“Residential Exterior Property Maintenance Standards”) is hereby approved for amendment to revise Section 1313.99 entitled, “Penalty” as follows. (Additions in **bold** and deletions in ~~strike through~~):

1313.99 PENALTY

In addition to penalties specified in Section 1309.99, “Violations and Penalties”, violations of Sections 1313.08, ~~and 1313.09~~, **and 1313.10** may result in the City abating the violation at the property owner’s expense. In addition, whoever violates Section 1313.09 shall be fined one hundred dollars (\$100.00) for each offense in addition to any other costs incurred by the City.

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3. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.
 4. That in accordance with Clayton Charter Section 4.031 the requirement that this enactment be read on two (2) separate days is complied with by readings on August 15, 2019 and September 5, 2019.
 5. That in accordance with Clayton Charter Section 4.031(H) this enactment shall become effective thirty days after its second reading and enactment.

ADOPTED BY COUNCIL ON SEPTEMBER 5, 2019

NEW BUSINESS

ORDINANCES (SINGLE READING AND ADOPTION AS EMERGENCY)

ORDINANCE NO. O – 09 – 19 – 13

AN ORDINANCE APPROVING AMENDMENTS TO CLAYTON CODIFIED ORDINANCE CHAPTER 901 (“USE OF PUBLIC RIGHTS-OF-WAY, PUBLIC LAND AND PUBLIC EASEMENTS”) AND DECLARING AN EMERGENCY

WHEREAS, City staff has reviewed Chapter 901 (“Use of Public Rights-of-Way”, Public Land and Public Easements”) of the Clayton Codified Ordinances and has recommended specified amendments thereto in order to advance the public health, safety and welfare of the City.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That Clayton Codified Ordinance Chapter 901 (“Use of Public Rights-of-Way”, Public Land and Public Easements”) is hereby approved to add the following two definitions

thereto in appropriate alphabetical order *and re-numbered as necessary* (Additions in **bold** and deletions in ~~strike through~~):

901.03 DEFINITIONS

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“Mid-span pole” means a pole that is located approximately half-way between two existing poles where the new utility is attached to all three poles and the Mid-span pole is installed in order to maintain proper clearance(s) or to reduce load on the two existing poles.

“Single Use Pole” means a utility pole which is added to an existing line of utility poles, for the sole purpose of installation of a new utility, in lieu of upgrading the existing pole(s) or installing the utility underground.

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901.19 RIGHT-OF-WAY PERMITS

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(o) New Utilities Above Ground. New utilities installed above ground must attach to existing utility poles, where they exist. If the existing pole(s) are at maximum capacity, they shall be upgraded with a replacement pole or a Mid-span pole in order to accommodate the new utility or the new utility shall be located underground. The installation of Single Use Poles that are not Mid-span poles is not permitted between existing utility poles, within the Right-of-Way.

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2. That all other provisions of Chapter 901 which have not been modified as set forth in Section 1 of this Ordinance shall remain in full force and effect.
 3. *That those provisions of Section 901.03 (“Definitions”) which require re-numbering as a result of the amendments adopted herein, shall be renumbered accordingly.*
 4. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.
 5. That in accordance with Clayton Charter Section 4.031 the requirement that this enactment be read on two (2) separate days is dispensed with by affirmative vote of at least five (5) of the members of Council.
 6. That unless this Ordinance is immediately passed the public peace, health, safety and welfare will be detrimentally affected because immediate enactment of this Ordinance will assist the City in proper management and occupancy of the Rights-of-Way and will aid in management of reasonable access to and conservation of the physical capacity of the

Rights-of-Way held in trust by the City for the benefit of the public. Accordingly, pursuant to Charter Section 4.033(A) this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City and shall therefore be in full force and effect from and immediately upon affirmative vote of at least five (5) of the members of Council.

ADOPTED BY COUNCIL ON SEPTEMBER 5, 2019

NEW BUSINESS

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 09 – 19 – 62

A RESOLUTION APPROVING CHANGE ORDER AND AUTHORIZING TOTAL CONTRACT INCREASE OF \$25,743.40 WITH AMERICA’S DECORATIVE CONCRETE, LTD. FOR THE 2019 CONCRETE CURB, GUTTER AND DRIVEWAY APPROACH PROJECT

WHEREAS, via enactment of Resolution No. R-04-19-29 on April 4, 2019 Council authorized the City Manager to enter into a contract with America’s Decorative Concrete, LTD. for the 2019 concrete curb, gutter and driveway approach project for the total contract amount of \$365,651.60; and

WHEREAS, the Public Service Director has submitted the attached Final Bill Change Order itemizing specified contract deductions and increases; and

WHEREAS, City Council desires to authorize the Final Bill Change Order appended hereto thereby increasing the total contract price from \$365,651.60 to \$391,395.00.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the Final Bill Change Order appended hereto is hereby approved resulting in an increase of the original contract price with America’s Decorative Concrete, LTD. from \$365,651.60 to \$391,395.00 with respect to the 2019 concrete curb, gutter and driveway approach project.
2. That this Resolution shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Resolution or which imposes additional requirements for effectiveness or validity.

ADOPTED BY COUNCIL ON SEPTEMBER 5, 2019

RESOLUTION NO. R – 09 – 19 – 63

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTHMONT SCHOOL DISTRICT FOR THE PROVISION OF SCHOOL RESOURCE OFFICERS FOR THE 2019-2020 SCHOOL YEAR

WHEREAS, the Clayton Police Department and the Northmont School District have worked cooperatively together in years past for the provision of School Resource Officers; and

WHEREAS, the Northmont School District has approached the City regarding provision of School Resource Officers for the 2019-2020 school year; and

WHEREAS, the Northmont School District has agreed to reimburse the City for additional costs associated with backfilling the assigned School Resource Officers' hours with part-time officers at a cost not to exceed \$110,000.00.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the City Manager is authorized to enter into an Agreement in substantially similar form as the Agreement appended hereto with The Northmont School District for the provision of School Resource Officers for the 2019-2020 school year, and including the provision that the City will be reimbursed by the Northmont School District for the backfilling of the assigned School Resource Officers' hours with part-time officers at a cost not to exceed \$110,000.00 for the 2019-2020 school year.

ADOPTED BY COUNCIL ON SEPTEMBER 5, 2019

RESOLUTION NO. R – 09 – 19 – 64

A RESOLUTION APPROVING AMENDED RATES AND FEES SCHEDULE

WHEREAS, staff has reviewed the current City rates and fees schedule and recommends certain amendments thereto as set forth in the attached **Exhibit A** so as to promote the public health, safety, and welfare of the City; and

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the amendments to the City rates and fees schedule on the attached **Exhibit A** are hereby adopted and approved effective immediately.
2. That this Resolution shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Resolution or which imposes additional requirements for effectiveness or validity.

ADOPTED BY COUNCIL ON SEPTEMBER 5, 2019
