

CITY OF CLAYTON, OHIO

ORDINANCE NO. O – 09 – 16 -18

AN ORDINANCE AMENDING THE CLAYTON CODIFIED ORDINANCES TO ADD A NEW SECTION 1313.09 ENTITLED, “ABATEMENT OF BULK ITEMS BY CITY” AND AMENDING CLAYTON CODIFIED ORDINANCE SECTION 1313.99 ENTITLED, “PENALTY”

WHEREAS, City staff has reviewed the Clayton Codified Ordinances relative to the residential exterior property maintenance standards and has recommended amendment thereto in order to address the issue of the need to abate bulk items by the City when the City’s waste disposal company has not removed same within 48 hours of scheduled pick-up in order to better preserve and protect the public health, safety, and welfare.

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

1. That a new Section 1313.09 of the Clayton Codified Ordinances is hereby added to Part Thirteen thereto to read as follows and Section 1313.99 is hereby amended to read as follows (additions are in **bold** and deletions are in ~~strikethrough~~):

1313.09 ABATEMENT OF BULK ITEMS BY CITY.

All bulk items not removed by the City’s waste disposal contractor on the scheduled pick up day shall be removed from the curb or authorized alley location within forty-eight (48) hours of the scheduled pick up day by the property owner, occupant, or person having charge of the premises or his or her designee.

- (a) Order of Remediation. When the Code Enforcement Officer determines a violation of this Section 1313.09 exists, the Code Enforcement Officer shall give Notice of an Order of Remediation (“Notice”) to the owner, occupant, or person having charge of the premises upon which the violation exists to remedy such violation. Said Notice shall be in writing and conspicuously posted at the subject property. The owner, occupant, or person having charge of the premises shall be advised in the Notice of the specific violation and that the violation must be remedied within forty-eight (48) hours of the date the Notice was posted. The Notice shall also contain the date it was posted.
- (b) Failure to Comply. If the owner, occupant, or person having charge of the premises fails to comply with the Notice specified in subsection (a) hereof, then the Code Enforcement Officer or his or her designee may cause the bulk items to be removed either by the City or by an authorized designee of the City as determined by the City Manager.

(c) **Statement of Costs.** The owner, occupant, or person having charge of the premises shall pay for all costs incurred by the City for removal and disposal of the bulk items, including but not limited to, dumping fees, plus a ten percent (10%) fee for administration. All fees and expenses shall be paid to the City in full within twenty (20) days of receipt of the statement of costs. If all fees and expenses are not paid in full when due, then the City shall certify to the County Auditor the proceedings taken hereunder together with a statement of the charges and a legal description of the property. Such amounts shall be entered upon the taxes and returned to the City General Fund.

(d) **Right of Appeal.** The owner, occupant, or person having charge of the premises may appeal the Notice of Order of Abatement by filing an appeal within ten (10) days from the date of said Notice pursuant to Section 1309.10 and following the procedures provided therein.

1313.99 PENALTY.

In addition to penalties specified in Section 1309.99, "Violations and Penalties", violations of Section 1313.08 and 1313.09 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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2. 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.
 3. 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 September 1, 2016 and September 15, 2016.
 4. 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 15, 2016.

AUTHENTICATION:

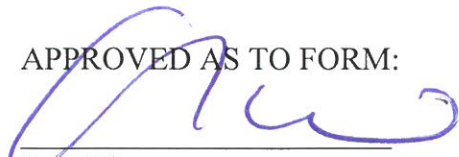


Mayor (Presiding Officer of Council)



Clerk of Council

APPROVED AS TO FORM:



Law Director

CERTIFICATION OF PUBLICATION

This shall certify that that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper

Date of publication

Englewood Independent Sept 22, 2016

Barbara Sui
CLERK