

CITY OF CLAYTON, OHIO

ORDINANCE NO. O – 08 - 21 - 17

AN ORDINANCE CERTIFYING UNPAID CHARGES FOR GRASS/WEED CUTTING FOR 2021/2022 TO THE MONTGOMERY COUNTY AUDITOR FOR COLLECTION WITH REAL ESTATE TAXES AND DECLARING AN EMERGENCY

WHEREAS, the Codified Ordinances of the City of Clayton, Ohio, require that the owners, occupants, or persons having care of any lot or land within the City of Clayton, Ohio shall cut down and remove offensive and noxious weeds; and

WHEREAS, Section 1313.05(d) of the Clayton Codified Ordinances and Sections 731.51 through 731.53, Ohio Revised Code, permit the City of Clayton to cause such offensive and noxious weeds to be cut and destroyed if the City has complied with the requirements of those sections; and

WHEREAS, Section 731.54, Ohio Revised Code, permits municipalities which have cut noxious weeds under the procedure outlined in Sections 731.51 through 731.53, Ohio Revised Code, to make a written return of its actions with a statement of the charges for this service to the County Auditor the amounts, when allowed, shall be entered upon the tax duplicate, which shall be a lien upon such lands from the date of the entry and shall be collected as other taxes and returned to the municipal corporation with the general fund; and

WHEREAS, the City of Clayton in conformity with the provisions of Section 1313.05(d) of the Clayton Codified Ordinances and Sections 731.51 through 731.53, Ohio Revised Code, did cut down and destroy offensive and noxious weeds, grass and rank vegetation at various locations throughout the City of Clayton, and the charges for these services, in many instances, remain unpaid.

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

1. That the Finance Director is hereby authorized and directed to certify to the Auditor of Montgomery County, Ohio, the attached list of unpaid charges for cutting down offensive and noxious weeds at various locations throughout the City of Clayton, Ohio by the City of Clayton, Ohio. The list, which is attached hereto as **Exhibit A** and incorporated by reference herein, identifies the properties to be assessed by Parcel I.D. and specifies the unpaid charges for cutting down offensive and noxious weeds. The City requests that these charges be made a lien against the respective properties in accordance with Section 731.54, Ohio Revised Code.
2. That immediately upon becoming effective, the Clerk is directed to forward a copy of this Ordinance to the Montgomery County Auditor.

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 dispensed with by affirmative vote of at least five (5) of the members of Council.
5. That unless the assessments are immediately passed and submitted to the Auditor of Montgomery County the public peace, health, safety and welfare will be detrimentally affected because the assessments would not appear on the next tax duplicate and passage as an emergency will enable the City to timely assert its lien rights prior to properties being sold and/or transferred. 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 2, 2021.


AUTHENTICATION:



Mayor (Presiding Officer of Council)



Clerk of Council

APPROVED AS TO FORM:


Law Director

CERTIFICATION

This shall certify that this is a true and correct copy of Ordinance No. O-08-21-17 enacted by Council on September 2, 2021, recorded in the permanent minutes and records of the City of Clayton, Ohio, and which remains in full force and effect as of the date of this certification.



Clerk of Council

Dated: September 2, 2021

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

Brookville Star

Date of publication

September 8, 2021

Debra J. Fin

CLERK

Ref: R.C. 731.51 through 731.53; R.C. 731.54; Clayton Codified Ordinance 1313.05(d).

CITY OF CLAYTON - MOWING ASSESSMENTS 2021

Exhibit A

Project Code	Parcel ID	Charge	5% Fee	Total
31500	M60 25206 0007	320.00	16.00	336.00
31500	M60 00101 0017	320.00	16.00	336.00
31500	M60 00104 0005	1,280.00	64.00	1,344.00
31500	M60 00216 0060	320.00	16.00	336.00
31500	M60 03008 0021	1,920.00	96.00	2,016.00
31500	M60 03107 0077	640.00	32.00	672.00
31500	M60 03207 0020	320.00	16.00	336.00
31500	M60 03207 0033	960.00	48.00	1,008.00
31500	M60 16301 0083	1,600.00	80.00	1,680.00
31500	M60 16302 0017	320.00	16.00	336.00
31500	M60 16311 0017	960.00	48.00	1,008.00
31500	M60 16313 0069	1,600.00	80.00	1,680.00
31500	M60 16313 0070	1,600.00	80.00	1,680.00
31500	M60 16313 0071	1,600.00	80.00	1,680.00
31500	M60 16313 0137	320.00	16.00	336.00
31500	M60 16313 0167	1,280.00	64.00	1,344.00
31500	M60 16324 0023	320.00	16.00	336.00
31500	M60 16324 0036	320.00	16.00	336.00
31500	M60 16411 0019	320.00	16.00	336.00
31500	M60 25106 0025	960.00	48.00	1,008.00
31500	M601 03208 0039	430.00	21.50	451.50
31500	M60 25106 0015	320.00	16.00	336.00
31500	M60 25317 0003	320.00	16.00	336.00
31500	M60 16312 0096	320.00	16.00	336.00
31500	M60 25422 0016	320.00	16.00	336.00
31500	M60 03109 0062	320.00	16.00	336.00
		19,310.00	965.50	20,275.50