

CITY OF CLAYTON, OHIO

ORDINANCE NO. O – 08 - 22 - 26

AN ORDINANCE TO IMPOSE ASSESSMENTS UPON OWNERS OF REAL PROPERTY IN ARREARS FOR PAYMENT OF FEES FOR WASTE HAULING AND DISPOSAL SERVICES FOR 2022/2023 AND DECLARING AN EMERGENCY

WHEREAS, via enactment of legislation on April 4, 2019, Council authorized the City Manager to accept the bid of and award contract for residential solid waste collection to Dempsey Waste Systems II, Inc. dba Republic Services of Dayton through June 30, 2024; and

WHEREAS, Charter Section 3.01(B) grants to Council the power to adopt and provide for enforcement of local police, sanitary and other similar regulations as are not in conflict with the general laws of Ohio; and

WHEREAS, Charter Section 3.01(A) provides the legislative power to levy taxes and assessments; and

WHEREAS, R.C. 715.43 provides that a municipality may provide for the collection and disposition of garbage and assess a reasonable fee for such services; and

WHEREAS, the appended list of Collection Assessments sets forth the Parcel ID numbers of the properties to whom service has been provided and the unpaid waste disposal fees attributable to each property; and

WHEREAS, the City desires to impose a lien upon the identified properties served and to refer said liens to the County Auditor to be collected in the same manner as other taxes.

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

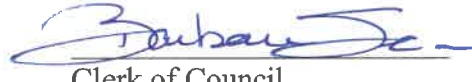
1. That there is hereby levied and assessed against the parcels specifically identified on the appended list(s) those amounts set forth which represent unpaid charges for waste collection and disposal services. The appended list(s) are incorporated herein and made a part hereof.
2. That immediately upon 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) 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. 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 1, 2022.

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-08-22-26 enacted by Council on September 1, 2022 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: Sept 1, 2022

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
<u>Brookville Star</u>	<u>Sept 7, 2022</u>


CLERK

Ref: Clayton Charter §§ 3.01; 4.02; 4.031; 4.033, and R.C. 715.43 and Portsmouth v. McGraw (1986), 21 Ohio St3d 117.

Exhibit A

Parcel ID	Project Number	Tax Year	Amount
M60 00215 0038	31850	2022	338.38
M60 00101 0017	31850	2022	458.90
M60 00102 0008	31850	2022	273.96
M60 00103 0013	31850	2022	258.87
M60 00107 0002	31850	2022	415.46
M60 00107 0008	31850	2022	304.00
M60 00113 0004	31850	2022	406.60
M60 00201 0004	31850	2022	369.02
M60 00201 0014	31850	2022	525.70
M60 00205 0004	31850	2022	524.03
M60 00206 0004	31850	2022	355.32
M60 00208 0013	31850	2022	608.07
M60 00210 0006	31850	2022	379.36
M60 00216 0011	31850	2022	574.04
M60 03002 0046	31850	2022	402.37
M60 03003 0067	31850	2022	574.04
M60 03004 0047	31850	2022	574.04
M60 03008 0021	31850	2022	276.03
M60 03008 0022	31850	2022	515.68
M60 03011 0020	31850	2022	255.41
M60 03102 0044	31850	2022	414.93
M60 03103 0024	31850	2022	380.42
M60 03103 0043	31850	2022	414.93
M60 03107 0063	31850	2022	254.91
M60 03203 0014	31850	2022	311.36
M60 03207 0027	31850	2022	367.41
M60 03210 0012	31850	2022	258.87
M60 03210 0040	31850	2022	574.04
M60 03210 0188	31850	2022	266.94
M60 03210 0230	31850	2022	461.10
M60 16301 0005	31850	2022	470.46
M60 16301 0061	31850	2022	574.04
M60 16302 0017	31850	2022	392.22
M60 16304 0020	31850	2022	574.04
M60 16304 0026	31850	2022	304.00
M60 16305 0019	31850	2022	263.73
M60 16306 0005	31850	2022	367.41
M60 16308 0001	31850	2022	519.04
M60 16308 0014	31850	2022	402.37
M60 16308 0019	31850	2022	639.18
M60 16310 0012	31850	2022	311.36
M60 16312 0040	31850	2022	458.90
M60 16312 0086	31850	2022	629.28

M60 16312 0140	31850	2022	346.52
M60 16313 0099	31850	2022	574.04
M60 16313 0132	31850	2022	574.04
M60 16316 0009	31850	2022	402.37
M60 16323 0035	31850	2022	305.32
M60 16402 0004	31850	2022	470.32
M60 16402 0007	31850	2022	543.35
M60 16410 0014	31850	2022	367.53
M60 16417 0007	31850	2022	574.04
M60 16417 0034	31850	2022	407.57
M60 16417 0050	31850	2022	574.04
M60 16425 0010	31850	2022	574.04
M60 16426 0006	31850	2022	315.16
M60 16429 0003	31850	2022	574.04
M60 16429 0004	31850	2022	358.89
M60 16430 0007	31850	2022	276.46
M60 16430 0024	31850	2022	524.51
M60 16431 0002	31850	2022	272.68
M60 16432 0020	31850	2022	574.04
M60 16434 0007	31850	2022	271.15
M60 25004 0006	31850	2022	519.04
M60 25005 0015	31850	2022	458.90
M60 25005 0019	31850	2022	473.41
M60 25006 0013	31850	2022	574.04
M60 25009 0006	31850	2022	402.37
M60 25014 0001	31850	2022	442.04
M60 25016 0007	31850	2022	574.04
M60 25017 0001	31850	2022	519.04
M60 25103 0020	31850	2022	474.02
M60 25104 0010	31850	2022	574.16
M60 25104 0021	31850	2022	519.04
M60 25104 0024	31850	2022	254.91
M60 25104 0026	31850	2022	574.04
M60 25104 0029	31850	2022	315.28
M60 25105 0008	31850	2022	267.80
M60 25105 0040	31850	2022	474.02
M60 25106 0025	31850	2022	402.37
M60 25106 0026	31850	2022	574.04
M60 25110 0012	31850	2022	259.86
M60 25110 0013	31850	2022	260.98
M60 25111 0009	31850	2022	365.42
M60 25113 0015	31850	2022	574.04
M60 25115 0031	31850	2022	460.85
M60 25116 0006	31850	2022	374.01
M60 25117 0024	31850	2022	258.87
M60 25119 0001	31850	2022	633.70
M60 25119 0022	31850	2022	458.90

M60 25202 0018	31850	2022	263.54
M60 25205 0012	31850	2022	574.04
M60 25205 0019	31850	2022	273.96
M60 25205 0021	31850	2022	521.43
M60 25206 0006	31850	2022	283.68
M60 25208 0013	31850	2022	315.05
M60 25213 0005	31850	2022	258.87
M60 25213 0018	31850	2022	519.04
M60 25214 0001	31850	2022	343.43
M60 25215 0013	31850	2022	424.02
M60 25215 0019	31850	2022	355.32
M60 25216 0006	31850	2022	321.37
M60 25217 0005	31850	2022	458.90
M60 25217 0030	31850	2022	574.04
M60 25217 0033	31850	2022	304.00
M60 25221 0007	31850	2022	329.98
M60 25221 0010	31850	2022	315.16
M60 25221 0011	31850	2022	321.37
M60 25221 0026	31850	2022	524.05
M60 25222 0020	31850	2022	519.04
M60 25224 0007	31850	2022	385.41
M60 25302 0004	31850	2022	355.32
M60 25306 0010	31850	2022	470.06
M60 25307 0002	31850	2022	574.04
M60 25308 0019	31850	2022	414.93
M60 25311 0006	31850	2022	266.31
M60 25313 0036	31850	2022	304.00
M60 25314 0008	31850	2022	639.18
M60 25316 0008	31850	2022	258.87
M60 25317 0003	31850	2022	355.32
M60 25402 0006	31850	2022	322.69
M60 25402 0013	31850	2022	419.25
M60 25407 0022	31850	2022	563.52
M60 25408 0012	31850	2022	369.02
M60 25410 0009	31850	2022	252.27
M60 25410 0078	31850	2022	260.52
M60 25411 0011	31850	2022	574.04
M60 25412 0012	31850	2022	458.90
M60 25412 0015	31850	2022	501.08
M60 25413 0016	31850	2022	491.25
M60 25414 0026	31850	2022	265.18
M60 25415 0013	31850	2022	524.03
M60 25416 0023	31850	2022	409.04
M60 25419 0028	31850	2022	271.19
M60 25420 0026	31850	2022	251.35
M60 25420 0028	31850	2022	569.04
M60 25421 0023	31850	2022	574.04

M60 28511 0009	31850	2022	258.87
M60 28526 0006	31850	2022	522.71
M60 28527 0006	31850	2022	629.28
M60 28527 0011	31850	2022	326.39
M60 28527 0015	31850	2022	304.00
M60 285270005	31850	2022	304.00
M60 28528 0001	31850	2022	358.89
M60 28528 0003	31850	2022	402.37
M60 28528 0008	31850	2022	574.04
M60 28529 0017	31850	2022	419.89
M60 51404 0003	31850	2022	574.04
M60103208 0029	31850	2022	574.04
M60103208 0057	31850	2022	358.39
M60116416 0034	31850	2022	458.90
M60116416 0037	31850	2022	541.30
M60116416 0046	31850	2022	402.37
M6016425 0008	31850	2022	374.01
M6025011 0007	31850	2022	574.04