

# CITY OF CLAYTON, OHIO

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## RESOLUTIONS AND ORDINANCES September 1, 2022

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### OLD BUSINESS

### ORDINANCES (SECOND OF TWO READINGS AND IMMEDIATE ENACTMENT VIA EMERGENCY)

#### ORDINANCE NO. O – 08 – 22 – 21

#### AN ORDINANCE APPROVING AN AMENDMENT TO THE CLAY TOWNSHIP-CITY OF CLAYTON JOINT ECONOMIC DEVELOPMENT DISTRICT (JEDD) CONTRACT TO REMOVE SPECIFIED PARCELS OF REAL ESTATE THEREFROM AND DECLARING AN EMERGENCY

**WHEREAS**, Clay Township and the City of Clayton entered into a Joint Economic Development District (JEDD) Contract on September 1, 2007 and said Contract expires on December 31, 2037; and

**WHEREAS**, Ohio Revised Code Section 715.72 contains the procedural mechanism regarding removal of a property from a JEDD which process entails a public hearing conducted by the City and a public hearing conducted by the Township and a vote by both to either approve or reject the request to amend the JEDD Contract to remove a parcel therefrom; and

**WHEREAS**, Richard Douglass, being the owner of the following parcels contained within the Clay Township-City of Clayton JEDD: C04 00512 0019 and C04 00512 0020, requested the JEDD Contract be amended to remove said parcels from the JEDD; and

**WHEREAS**, in accordance with Ohio Revised Code Section 715.72, the City of Clayton conducted a public hearing on August 18, 2022 to consider the request of Mr. Douglass to amend the JEDD Contract to remove the parcels specified herein from the JEDD.

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

1. That, having advertised and conducted a public hearing on August 18, 2022, on the request of Mr. Richard Douglass to amend the JEDD Contract to remove Parcels C04 00512 0019 and C04 00512 0020 from the JEDD, Council hereby APPROVES the request of Mr. Richard Douglass to amend the JEDD Contract to remove Parcels C04 00512 0019 and C04 00512 0020 from the JEDD.
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 dispensed with by affirmative vote of at least five (5) of the members of Council.

4. That in order to expedite the proposed building of a single-family residence upon the subject parcels described herein, it is determined that this Ordinance is deemed to be an emergency measure. 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

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## **ORDINANCE NO. O – 08 – 22 – 22**

### **AN ORDINANCE TO MAINTAIN LIGHTING ASSESSMENT AND DECLARING AN EMERGENCY**

**WHEREAS**, Charter Section 3.01 provides the legislative power to levy taxes and assessments; and

**WHEREAS**, Randolph Township as predecessor to the City of Clayton had enacted resolution(s) of necessity for artificial lighting assessments in accordance with R.C. 515.08 and utilizing the method whereby the assessments were in an equal amount against each benefited lot, the amount determined by dividing the total cost per annual installment by the number of benefited lots in the affected district; and

**WHEREAS**, the Village of Clayton, as predecessor to the City of Clayton had enacted legislation for artificial lighting assessments in a manner similar in nature to Randolph Township; and

**WHEREAS**, the City of Clayton by Resolutions enacted in March, July and November, 1998 authorized the City to enter into a successor street lighting agreement with The Dayton Power & Light Company for a ten year period commencing January 1, 1998 through December 31, 2007 for defined areas of the municipality; and

**WHEREAS**, the City of Clayton by Resolution No. R-10-07-52, enacted on October 4, 2007, authorized the City to enter into a successor street lighting agreement with Miami Valley Lighting, LLC, a DPL Inc. subsidiary, dba DPL Energy, for a period of forty-eight (48) months commencing January 1, 2008 and expiring December 31, 2011; and

**WHEREAS**, the City of Clayton by Resolution No. R-09-10-57, enacted on September 2, 2010, authorized the City to enter into a successor street lighting agreement with Miami Valley Lighting, LLC and DPL Energy Resources, Inc., both subsidiaries of DPL, Inc., for a period through December, 2012; and

**WHEREAS**, the City of Clayton by Resolution No. R-11-12-72, enacted on November 1, 2012, authorized the City to enter into a successor street lighting agreement with Miami Valley Lighting, LLC and DPL Energy (DPLE) for a period of three years commencing January 1, 2013 and expiring on December 31, 2015; and

**WHEREAS**, the City of Clayton by Resolution No. R-12-15-85, enacted on December 17, 2015, authorized the City to enter into a successor street lighting agreement with Miami Valley Lighting (MVLt) for a period of ten years, commencing January 1, 2016 and expiring on December 31, 2025; and

**WHEREAS**, the City of Clayton by Ordinances continued the assessments for said lighting upon the abutting, adjacent, and contiguous lots and lands within the City of Clayton; and

**WHEREAS**, Council desires to continue the assessments for said lighting upon the abutting, adjacent, and contiguous lots and lands within the City of Clayton which benefit therefrom in a manner similar to what has been previously utilized; and

**WHEREAS**, Council has determined that the method of assessment provided under R.C. 727.01(B) whereby the assessment is levied "in proportion to the benefits that may result from the improvement" is satisfied by continuing to utilize the method previously utilized by Randolph Township, the Village of Clayton and the City of Clayton.

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

1. That to provide for the cost and expenses of furnishing and maintaining the lights for lighting the lighting district areas of the City known as:

- |    |             |    |                             |
|----|-------------|----|-----------------------------|
| A. | Allison     | G. | Riverbend Estates           |
| B. | Ashbrook    | H. | Old Village                 |
| C. | Ashbrook II | I. | Riverbend Phase II          |
| D. | Hilltop     | J. | Riverbend Phase III         |
| E. | Oak Hill    | K. | Wenger Village, Section One |
| F. | Portrait    | L. | Wenger Village, Section Two |
|    |             | M. | Village of North Clayton    |

in accordance with the terms and rates set forth in the Street Lighting Agreement with Miami Valley Lighting (MVLt) as amended, that there is hereby levied and specially assessed in proportion to the benefits which result or may result from said improvement against the lots within the respective Lighting Districts and each of them within said Lighting Districts, bounding and abutting the streets and public ways to be lighted under said agreement, the amounts paid and to be paid by the City of Clayton to the Miami Valley Lighting (MVLt) in such amounts as are set forth on **Schedules A - M attached** hereto.

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 dispensed with by affirmative vote of at least five (5) members of Council.

4. 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

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**ORDINANCE NO. O – 08 – 22 – 23**

**AN ORDINANCE AUTHORIZING THE SUBMISSION OF THE 2022/2023 NORTH CLAYTON COMMUNITY AUTHORITY CHARGE ASSESSMENTS TO THE MONTGOMERY COUNTY AUDITOR AND DECLARING AN EMERGENCY**

**WHEREAS**, the North Clayton Community Authority (the "Community Authority") is a new community authority established pursuant to Ohio Revised Code Chapter 349, by action of the Board of County Commissioners of Montgomery County, Ohio by Resolution No. 09-0510 adopted March 17, 2009 and Resolution No. 09-0555 adopted March 24, 2009; and

**WHEREAS**, the jurisdiction of the Community Authority extends to that area defined as the North Clayton Community Authority District (hereinafter the "Community Authority District") and consisting of approximately 101.455 acres of property; and

**WHEREAS**, the Community Authority either has imposed a community authority development charge pursuant to Ohio Revised Code Section 349.07 upon assessed valuation of property within the Community Authority District or such other methods as are permitted under Ohio Revised Code Section 349.01(L) and utilize funds generated from such charges to pay for, among other things, maintenance and replacement of said improvements either by contracting directly with third party contractors or by reimbursing Clayton for such expenses; and

**WHEREAS**, the City of Clayton Council, via passage of Resolution No. R-02-10-15, on February 18, 2010, approved a Maintenance Agreement between the City of Clayton and the North Clayton Community Authority which states, in relevant part, "To the extent that the Community Authority desires that said unpaid charges [Community Authority Development Charges] be certified to the Montgomery County Auditor for placement on the tax lists and duplicates of real property opposite the parcel against which it is charged, it shall provide a list to the Clayton Finance Director with sufficient time to provide such certification and shall cooperate with all requirements necessary thereto."; and

**WHEREAS**, the Community Authority has provided a list to the Clayton Finance Director identifying unpaid Community Authority Development Charges and requesting same be certified to the County Auditor consistent with the above referenced term of the Maintenance Agreement entered into between the City of Clayton and the North Clayton Community Authority; 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.

**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 North Clayton Community Authority Development Charges. 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

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**ORDINANCE NO. O – 08 – 22 – 24**

**AN ORDINANCE CERTIFYING UNPAID CHARGES FOR NUISANCE ASSESSMENTS FOR 2022/2023 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 keep same free of debris/litter and other materials; and

**WHEREAS**, Section 1313.04 of the Clayton Codified Ordinances and/or Sections 731.51 through 731.53, Ohio Revised Code, permit the City of Clayton to cause debris/litter to be removed; and

**WHEREAS**, Section 731.54, Ohio Revised Code, permits municipalities which have removed such debris/litter 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 1313.04 of the Clayton Codified Ordinances and Sections 731.51 through 731.53, Ohio Revised Code, did cause debris/litter at various locations to be removed 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 nuisance abatement 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 said nuisance abatement. 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) 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 1, 2022

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**ORDINANCE NO. O – 08 – 22 – 25**

**AN ORDINANCE CERTIFYING UNPAID CHARGES FOR GRASS/WEED CUTTING FOR 2022/2023 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.

**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.

**NEW BUSINESS**

**ORDINANCES (FIRST OF TWO READINGS)**

**ORDINANCE NO. O – 09 – 22 – 29**

**AN ORDINANCE AMENDING SECTION 311.01 OF THE CLAYTON  
CODIFIED ORDINANCES ENTITLED, “PLACING INJURIOUS MATERIAL  
OR OBSTRUCTION IN STREET”**

**WHEREAS**, City Staff has reviewed the Clayton Codified Ordinances and recommends amendment of Section 311.01 thereof in order to better protect the health, safety and welfare of the citizens of Clayton by adding language thereto regulating the depositing of snow and ice into the streets and roadways.

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

1. That Section 311.01 of Chapter 311 of the Clayton Codified Ordinances is hereby amended as follows: (Deletions in ~~Strikethrough~~ and Additions in **Bold**)

311.01 PLACING INJURIOUS MATERIAL OR OBSTRUCTION IN STREET.

...

**(e) No person, company, contractor, or other entity shall place or cause to be placed snow or ice onto any street, highway, thoroughfare, or public roadway in such a manner which hinders the cleaning of said street, highway, thoroughfare, or public roadway or in such a manner as to obstruct, hinder, or impede the safe and free flow of vehicular traffic. City and State snow plow operations are exempt from this subsection (e).**

**Whoever violates this subsection (e) is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.**

~~(e)~~ **(f)** No person, with intent to cause physical harm to a person or vehicle, shall place or knowingly drop upon any part of a highway, lane, road, street or alley any tracks, bottles, wire, glass, nails or other articles which may damage or injure any person, vehicle or animal traveling along or upon such highway, except such substances that may be placed upon the roadway by proper authority for the repair or construction thereof.

~~(f)~~ **(g)** (1) Except as otherwise provided in this subsection, whoever violates any provision of subsections (a) to (d) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates any provision of subsections (a) to (d) of this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates any provision of subsections (a) to (d) of this section is guilty of a misdemeanor of the third degree.

(g) (2) Whoever violates subsection ~~(e)~~ (f) of this section is guilty of a misdemeanor of the first degree. (ORC 4511.74)

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2. All other provisions of Section 311.01 not amended hereby shall remain unchanged in full force and effect.
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 September 1, 2022 and September 15, 2022.
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 15, 2022

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**ORDINANCE NO. O – 09 - 22 - 30**

**AN ORDINANCE AMENDING SECTION 351.011 OF THE CLAYTON CODIFIED ORDINANCES ENTITLED, “PROHIBITED PARKING ON CITY STREETS WITH SNOW ACCUMULATION OF THREE INCHES OR MORE”**

**WHEREAS**, City Staff has reviewed the Clayton Codified Ordinances and recommends amendment of Section 351.011 thereof in order to better protect the health, safety and welfare of the citizens of Clayton through a more efficient means of snow removal via amendment thereof to provide that parking of vehicles on City streets will be prohibited when there is an accumulation of two (2) inches or more of snow.

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

1. That Section 351.011 of Chapter 351 of the Clayton Codified Ordinances is hereby amended as follows: (Deletions in ~~Strikethrough~~ and Additions in **Bold**)

351.011     ~~PROHIBITED PARKING ON CITY STREETS WITH SNOW ACCUMULATION OF THREE INCHES OR MORE.~~ **PARKING DURING SNOW EMERGENCIES.**

- (a) ~~Parking of any vehicle on city streets shall be prohibited when there is an accumulation of three (3) or more inches of snow on the roadway. The Director of Public Safety will cause all such city streets to be designated with official signs.~~ **No person shall park any vehicle on any City street or roadway during a snow emergency. A snow emergency shall exist when two or more inches of snow have fallen in the City of Clayton or in a section thereof. The snow emergency shall continue until snow plowing operations are complete. The City Manager shall announce the commencement of the snow emergency and the**

**termination of the snow emergency via posting on the official City of Clayton social media site(s). Signs shall be posted throughout the City directing that parking is not permitted on City streets during a snow emergency. However, the owners and operators of vehicles shall have full responsibility to determine existing weather conditions and to comply with the snow emergency parking regulations.**

- (b) ~~Whenever any police officer finds a vehicle parked in violation of this section, the officer may provide for the removal of the vehicle to the nearest garage or other place of safety.~~ **Any police officer may order into storage any vehicle parked in violation of this section.** Registered owners of vehicles parked in violation of this section shall be responsible for all towing and/or storage costs.

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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, 2022 and September 15, 2022.
  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, 2022

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**ORDINANCE NO. O – 09 – 22 – 31**

**AN ORDINANCE AMENDING CLAYTON CODIFIED ORDINANCE SECTION 531.50 ENTITLED, “TRIMMING AND REMOVAL OF TREES, PLANTS AND SHRUBBERY TO PREVENT OBSTRUCTION AND PROTECT PUBLIC SAFETY”**

**WHEREAS**, City staff has reviewed Clayton Codified Ordinance Section 531.50 of Chapter 531 and has recommended amendment thereto in order to greater protect the health, safety and welfare of the citizens of Clayton and to better protect the public by revising the tree trimming requirement therein to have a clear height of fourteen feet above the streets and roadways in order to provide sufficient clearance for taller trucks and vehicles operating within the City.

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

1. That Section 531.50 of Chapter 531 of the Clayton Codified Ordinances is hereby amended to read as follows (additions are in **bold** and deletions are in ~~strikethrough~~):

531.50 TRIMMING AND REMOVAL OF TREES, PLANTS AND SHRUBBERY TO PREVENT OBSTRUCTION AND PROTECT PUBLIC SAFETY.

...

- (c) All trees shall be trimmed so as to have a clear height of ten feet above the surface of sidewalks and ~~twelve~~ **fourteen** feet above the surface of the street or roadway, and the branches of all trees in front of and along lots or lands near which street lights are placed shall be trimmed so as not to obstruct the free passage of light from said street lights to the street and sidewalk.

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2. That all other provisions of Section 531.50 not amended herein shall remain unchanged and in full force and effect.
  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 September 1, 2022 and September 15, 2022.
  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 15, 2022

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## **RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)**

### **RESOLUTION NO. R – 09 – 22 – 59**

#### **A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE A TENSION FABRIC SALT BUILDING THROUGH SOURCEWELL COOPERATIVE PURCHASING AT A PRICE NOT TO EXCEED \$81,415.00**

**WHEREAS**, Section 8.02 (C)(3)(b) exempts intergovernmental contracts or expenditures from competitive bidding; and

**WHEREAS**, City staff has recommended the purchase of a 52' x 96' Tension Fabric Salt Building via Sourcewell Cooperative Purchasing not to exceed \$81,415.00.

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

1. That the City Manager is hereby authorized to purchase a 52' x 96' Tension Fabric Salt Building via Sourcewell Cooperative Purchasing not to exceed \$81,415.00.

ADOPTED BY COUNCIL ON SEPTEMBER 1, 2022

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**RESOLUTION NO. R – 09 – 22 – 60**

**A RESOLUTION TO DECLARE SURPLUS EQUIPMENT AVAILABLE FOR DISPOSAL THROUGH SALE OR AUCTION**

**WHEREAS**, R.C. 721.01 permits a municipal corporation to sell or lease property no longer needed for municipal purposes; and

**WHEREAS**, City staff and the City Manager have advised the items identified on the attached **Exhibit A** are no longer needed for municipal purposes.

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

1. That the specific property referenced on the attached **Exhibit A** are hereby declared to be surplus and available for disposition by the City Manager through sale or auction including: (a) internet auction including but not limited to Municibid and/or GovDeals; (b) public auction; and (c) pricing of said property and advertising for direct sale through trade publications.

ADOPTED BY COUNCIL ON SEPTEMBER 1, 2022

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**RESOLUTION NO. R – 09 – 22 – 61**

**A RESOLUTION APPROVING SPECIFIED REVISION TO RESOLUTION NO. R-08-22-58 ADOPTED ON AUGUST 18, 2022 RELATIVE TO AMENDMENT OF 2022 APPROPRIATIONS AND ESTIMATED RESOURCES**

**WHEREAS**, on August 18, 2022, Council adopted Resolution No. R-08-22-58 entitled, “A Resolution Approving Amendment of 2022 Appropriations and Estimated Resources”; and

**WHEREAS**, the below provision of Section 1 of previously adopted Resolution No. R-08-22-58 contained a typographical error:

<u>Fund</u>	<u>Estimated Resource Amount</u>	<u>Appropriation Amount</u>
General (101)	\$60,280.00	\$59,768.00 <b>Personnel</b>
		<i>\$67,680.00 Operating</i>

**WHEREAS**, the above cited provision of Section 1 of previously adopted Resolution No. R-08-22-58 should have read as follows:

<u>Fund</u>	<u>Estimated Resource Amount</u>	<u>Appropriation Amount</u>
General (101)	\$60,280.00	\$59,768.00 <b>Personnel</b>
		<i>\$67,780.00 Operating</i>

**WHEREAS**, the purpose of adopting this Resolution No. R-09-22-61 is to correct the typographical error by revising the figure of \$67,680.00 to \$67,780.00 as noted above;

**WHEREAS**, during the operation of the City of Clayton certain expenditures are necessary to provide required governmental services; and

**WHEREAS**, the expenditures must be in accordance with requirements provided by applicable state law and be applied against certain designated City funds; and

**WHEREAS**, certain transfers of moneys within and between specified City funds may be required to comply with accounting requirements established by the office of the State Auditor of Ohio; and

**WHEREAS**, certain appropriations are necessary to authorize payment from certain funds; and

**WHEREAS**, Council previously approved the Original Certificate of Estimated Resources and Appropriations; and

**WHEREAS**, the Finance Director has requested amendment of the 2022 Appropriations and Estimated Resources with respect to the General Fund (101).

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

1. That the below provision of Section 1 of previously adopted Resolution No. R-08-22-58 is hereby revised as follows:

**As Adopted By Resolution No. R-08-22-58 on August 18, 2022:**

<b><u>Fund</u></b>	<b><u>Estimated Resource Amount</u></b>	<b><u>Appropriation Amount</u></b>
General (101)	\$60,280.00	\$59,768.00 <b>Personnel</b>
		<i>\$67,<u>6</u>80.00 <b>Operating</b></i>

**As REVISED By Resolution No. R-09-22-61 on September 1, 2022:**

<b><u>Fund</u></b>	<b><u>Estimated Resource Amount</u></b>	<b><u>Appropriation Amount</u></b>
General (101)	\$60,280.00	\$59,768.00 <b>Personnel</b>
		<i>\$67,<u>7</u>80.00 <b>Operating</b></i>

2. That the above revision delineated in Paragraph 1 is hereby approved and the appropriation amendments are for **operating or personnel expenses as noted in Paragraph 1 above.**

3. That all other provisions of Resolution No. R-08-22-58 not revised herein shall remain unchanged and in full force and effect.

4. That the Finance Director is hereby authorized, empowered and directed to take all action necessary to effect such amendments and appropriations and evidence same on the books and financial record of the City.