

# CITY OF CLAYTON, OHIO

---

---

## RESOLUTIONS AND ORDINANCES

November 17, 2022

---

---

### OLD BUSINESS

### ORDINANCES (SECOND OF TWO READINGS)

#### ORDINANCE NO. O – 11 – 22 – 34

#### AN ORDINANCE VACATING A SPECIFIED 50.00 FOOT SECTION OF AN EXISTING PUBLIC RIGHT OF WAY LOCATED ON OBISPE STREET WITHIN THE CITY OF CLAYTON, OHIO

**WHEREAS**, the City of Clayton as owner of the property described on the attached **Exhibit A** and further delineated as: *That 50-foot section of an existing public right of way on Obispe Street and further located to the east of Harrington Avenue between Parcel Id. No. M60 16311 0001 and Parcel Id. No. M60 16310 0019 within the City of Clayton, Ohio*, desires to vacate said 50-foot section to the three (3) abutting property owners at: 7700 Harrington Avenue, 7620 Harrington Avenue, and 6029 Dog Leg Road all pursuant to the division thereof further delineated on the attached **Exhibit A**; and

**WHEREAS**, pursuant to O.R.C. 723.07, notice of the intent to vacate was published in the Brookville Star, a newspaper of general circulation within the City of Clayton, for six consecutive weeks; and

**WHEREAS**, although not required by the Ohio Revised Code, notice of the November 3, 2022 public hearing on this proposed vacation was sent via U.S. Regular Mail to the three (3) abutting property owners at: 7700 Harrington Avenue, 7620 Harrington Avenue, and 6029 Dog Leg Road, as evidenced by **Exhibit B**; and

**WHEREAS**, by operation of O.R.C. 723.041, the vacating of said 50-foot section of Obispe Street shall not affect existing utility line easements and each public utility affected by said vacation shall be deemed to have and retain a permanent easement in such vacated premises for the purpose of maintaining, operating, renewing, reconstructing and removing said utility facilities and for purposes of access to said facilities; and

**WHEREAS**, Council of the City of Clayton finds that, upon recommendation of City staff, the aforementioned and described 50-foot section of Obispe Street, as delineated on the attached **Exhibit A**, is of no further use or benefit to the City of Clayton; and

**WHEREAS**, Council of the City of Clayton finds that in accordance with O.R.C. 723.05 there exists good cause for vacating *That 50-foot section of an existing public right of way on Obispe Street and further located to the east of Harrington Avenue between Parcel Id. No. M60 16311 0001 and Parcel Id. No. M60 16310 0019 within the City of Clayton, Ohio as delineated on the attached and incorporated Exhibit A* and that such vacation will not be detrimental to the general interest, nor detrimental to the public health, safety, and welfare to dispose of said 50-foot section

of Obispe Street as delineated on the attached **Exhibit A**, to the three (3) abutting property owners at: 7700 Harrington Avenue, 7620 Harrington Avenue, and 6029 Dog Leg Road; and

**WHEREAS**, on November 3, 2022, Council did hold a public hearing on the proposed vacation of the aforementioned 50-foot section of Obispe Street, at which time all persons were provided an opportunity to be heard.

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

1. That *50-foot section of an existing public right of way on Obispe Street and further located to the east of Harrington Avenue between Parcel Id. No. M60 16311 0001 and Parcel Id. No. M60 16310 0019 within the City of Clayton, Ohio as delineated on the attached and incorporated Exhibit A* be and hereby *is vacated as shown on the attached Exhibit A*, subject to the continued existence of permanent easements to any public or private utility located on, over or under the portion of Obipse Street affected by such vacation for the purpose of maintaining, operating, renewing, reconstructing and removing said utility facilities and for purposes of access to said facilities in accordance with O.R.C. 723.041.

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 November 3, 2022 and November 17, 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.

*5. That the Clerk of Council is hereby authorized and directed to forward a Certified Copy of this Ordinance No. O-11-22-34 to the Montgomery County Office of the Recorder immediately following the second reading and adoption thereof.*

*6. That the City Manager is authorized to take such actions as are necessary to complete the above referenced vacation.*

ADOPTED BY COUNCIL ON NOVEMBER 17, 2022

---

**ORDINANCE NO. O – 11 – 22 – 35**

**AN ORDINANCE TO ESTABLISH BUILDING PERMIT FEES AND AUTHORIZE THE CITY OF CLAYTON TO ENTER INTO AN AGREEMENT WITH NATIONAL INSPECTION CORPORATION TO PROVIDE RELATED SERVICES**

**WHEREAS**, the Council of the City of Clayton, Ohio desires to protect the health, safety, and welfare of Clayton residents and support the safety, quality of life, and property value in the community, and

**WHEREAS**, these goals are met through fair and equitable compliance with the Ohio Building Code and Residential Code of Ohio.

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

1. That having researched alternative methods of meeting the goals of the City, the City shall enter into an agreement with National Inspection Corporation (NIC) to become its agent to ensure compliance with the Ohio Building Code and the Residential Code of Ohio.
2. That the City Manager is hereby authorized to enter into an agreement with NIC in substantially the same form as **Exhibit A** attached hereto.
3. To finance these activities, the City hereby establishes Fees to be collected from users of the Building Department services. The amounts of these fees shall be as shown in **Exhibit B** attached hereto as may be amended from time to time.
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 complied with by readings on November 3, 2022 and November 17, 2022.
6. 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 NOVEMBER 17, 2022

---

**ORDINANCE NO. O – 11 – 22 – 36**

**AN ORDINANCE TO ESTABLISH BUILDING DEPARTMENT**

**WHEREAS**, the State of Ohio requires the establishment of local enforcement of the building codes; and

**WHEREAS**, the State of Ohio requires the establishment of a building department prior to exercise of enforcement authority.

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

1. That the Clayton Building Department is hereby established.
2. That said Building Department shall have full authority to enforce all laws, statutes and regulations as provided and authorized in the Ohio Revised Code and the Ohio Administrative Code pursuant to the Certification approved by and Certification rule adopted by the Ohio Board of Building Standards.
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 November 3, 2022 and November 17, 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 NOVEMBER 17, 2022

---

**ORDINANCE NO. O – 11 – 22 – 37**

**AN ORDINANCE REQUESTING CERTIFICATION TO ENFORCE THE  
OHIO STATE BUILDING CODES WITHIN THE CITY OF CLAYTON, OHIO**

**WHEREAS**, the City of Clayton, Ohio desires to enforce the Ohio State Building Codes for the purpose of providing uniform standards and requirements for the erection, construction, repair, alteration, and maintenance of buildings.

**WHEREAS**, the City of Clayton, Ohio seeks to obtain the authority to enforce the provisions of the Ohio State Building Codes through certification by the Ohio Board of Building Standards pursuant to Section 3781.10(E) of the Revised Code.

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

1. That Ohio Administrative Code 4101:1 – the Ohio Building Code, and Ohio Administrative Code 4101:2 – the Ohio Mechanical Code, as promulgated by the Ohio Board of Building Standards, shall apply and be enforced within the City of Clayton, Ohio, except Plumbing which will be performed by the Montgomery County Health Department.
2. That this Ordinance shall be in full force and effect from and after the earliest period permitted by law following promulgation of the Ohio Building Code and Ohio Mechanical Code by the Board of Building Standards through the certification process, adoption and effective date of certification issued by the Ohio Board of Building Standards.
3. The City Manager is hereby authorized to make an application to the Ohio Board of Building Standards to become a certified building department.
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 complied with by readings on November 3, 2022 and November 17, 2022.
6. 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 NOVEMBER 17, 2022

---

**ORDINANCE NO. O – 11 – 22 – 38**

**AN ORDINANCE AUTHORIZING A REQUEST TO THE OHIO BOARD OF BUILDING STANDARDS TO CERTIFY THE CITY OF CLAYTON FOR ENFORCEMENT OF THE RESIDENTIAL CODE OF OHIO TO EXERCISE ENFORCEMENT AUTHORITY AND ACCEPT AND APPROVE PLANS AND SPECIFICATIONS AND MAKE INSPECTIONS**

**WHEREAS**, the City of Clayton, Ohio desires to enforce the Residential Code of Ohio for the purpose of providing uniform standards and requirements for the erection, construction, repair, alteration, and maintenance of buildings specified in section 3781.06 of the Revised Code of Ohio; and

**WHEREAS**, the City of Clayton, Ohio seeks to obtain the authority for enforcement of the provisions of the Residential Code of Ohio through certification by the Ohio Board of Building Standards pursuant to Section 3781.10(E) of the Revised Code to exercise the enforcement authority and accept and approve plans and specifications, and make inspections in accordance with the Residential Code of Ohio.

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

1. That Ohio Administrative Code 4101:8 – Residential Code of Ohio as promulgated by the Ohio Board of Building Standards, shall apply and be enforced within the City of Clayton, Ohio, except Plumbing which will be performed by the Montgomery County Health Department.
2. That this Ordinance shall be in full force and effect from and after the earliest period permitted by law following promulgation of the Residential Code of Ohio by the Board of Building Standards through the certification process, adoption and effective date of certification issued by the Ohio Board of Building Standards.
3. The City Manager of the City of Clayton is hereby authorized and directed to sign and submit an application to the Ohio Board of Building Standards requesting said Board to certify the City of Clayton for enforcement of the Residential Code of Ohio.
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 complied with by readings on November 3, 2022 and November 17, 2022.
6. That in accordance with Clayton Charter Section 4.031(H) this enactment shall become effective thirty days after its second reading and enactment.

**NEW BUSINESS**

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

**RESOLUTION NO. R – 11 – 22 – 76**

**A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO REQUEST  
THE COUNTY AUDITOR TO MAKE ADVANCE PAYMENTS INTO THE  
CLAYTON ACCOUNT**

**WHEREAS**, O.R.C. Section 321.34 provides for advance payments by the county auditor to municipal corporations whose funds are derived from taxes or other sources payable by law to the county treasury, any money that may be in the county treasury to the account of the municipality, respectively and lawfully applicable to the purpose of the current fiscal year in which the request is made; and

**WHEREAS**, consistent with O.R.C. Section 321.34(A)(2)(b) it is the intent of the Clayton City Council to use the money for the purposes of the fiscal year in which the request is made.

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

1. That on and after the first business day in January 2023, the Finance Director is hereby authorized to request the Montgomery County Auditor to make an advance payment of any moneys that may be in the Montgomery County Treasury to the account of Clayton, respectively and lawfully applicable to the purpose of the current fiscal year in which the request is made.
2. That, consistent with O.R.C. Section 321.34(A)(2)(b) it is the intent of the Clayton City Council to use the money for the purposes of the fiscal year in which the request is made.

ADOPTED BY COUNCIL ON NOVEMBER 17, 2022

---