

CITY OF CLAYTON, OHIO

ORDINANCE NO. O – 08 - 23 - 19

AN ORDINANCE TO IMPOSE ASSESSMENTS UPON OWNERS OF REAL PROPERTY IN ARREARS FOR PAYMENT OF FEES FOR WASTE HAULING AND DISPOSAL SERVICES FOR 2023/2024 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:

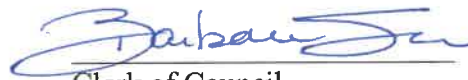
1. That there is hereby levied and assessed against the parcels specifically identified on the appended list(s) those amounts set forth which represent unpaid charges for waste collection and disposal services. The appended list(s) are incorporated herein and made a part hereof.
2. That immediately upon 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 AUGUST 17, 2023.

AUTHENTICATION:


Mayor (Presiding Officer of Council)

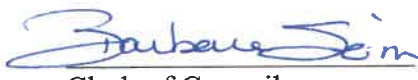

Clerk of Council

APPROVED AS TO FORM:


Law Director

CERTIFICATION

This shall certify that this is a true and correct copy of Ordinance No. O-08-23-19 enacted by Council on August 17, 2023 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: August 17, 2023

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>Registered Herald</u>	<u>August 23, 2023</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 00101 0017	31850	2023	\$ 153.58
M60 00102 0005	31850	2023	\$ 262.62
M60 00102 0008	31850	2023	\$ 153.58
M60 00103 0006	31850	2023	\$ 95.51
M60 00103 0013	31850	2023	\$ 153.58
M60 00112 0003	31850	2023	\$ 110.14
M60 00112 0006	31850	2023	\$ 101.79
M60 00113 0004	31850	2023	\$ 141.01
M60 00201 0006	31850	2023	\$ 101.79
M60 00201 0014	31850	2023	\$ 119.06
M60 00204 0006	31850	2023	\$ 298.06
M60 00205 0004	31850	2023	\$ 153.58
M60 00206 0004	31850	2023	\$ 153.58
M60 00208 0013	31850	2023	\$ 141.01
M60 00210 0006	31850	2023	\$ 141.01
M60 00215 0061	31850	2023	\$ 96.02
M60 00216 0011	31850	2023	\$ 100.01
M60 00216 0015	31850	2023	\$ 136.88
M60 00302 0008	31850	2023	\$ 153.58
M60 00304 0001	31850	2023	\$ 368.48
M60 00307 0001	31850	2023	\$ 153.58
M60 00309 0001	31850	2023	\$ 270.97
M60 03002 0078	31850	2023	\$ 140.02
M60 03003 0034	31850	2023	\$ 119.63
M60 03003 0043	31850	2023	\$ 165.26
M60 03003 0067	31850	2023	\$ 151.79
M60 03004 0047	31850	2023	\$ 151.79
M60 03005 0049	31850	2023	\$ 248.02
M60 03006 0001	31850	2023	\$ 101.79
M60 03008 0021	31850	2023	\$ 151.79
M60 03008 0032	31850	2023	\$ 141.01
M60 03011 0020	31850	2023	\$ 151.79
M60 03012 0024	31850	2023	\$ 91.70
M60 03012 0041	31850	2023	\$ 93.73
M60 03013 0011	31850	2023	\$ 102.42
M60 03013 0030	31850	2023	\$ 203.58
M60 03102 0010	31850	2023	\$ 95.51
M60 03102 0015	31850	2023	\$ 186.98
M60 03102 0044	31850	2023	\$ 141.01
M60 03102 0063	31850	2023	\$ 110.14
M60 03102 0093	31850	2023	\$ 102.25
M60 03103 0024	31850	2023	\$ 101.79
M60 03103 0042	31850	2023	\$ 257.15
M60 03103 0043	31850	2023	\$ 141.01
M60 03106 0027	31850	2023	\$ 153.58
M60 03107 0063	31850	2023	\$ 153.58

M60 03107 0090	31850	2023	\$	147.09
M60 03107 0147	31850	2023	\$	339.34
M60 03109 0063	31850	2023	\$	147.30
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M60 03201 0051	31850	2023	\$	222.82
M60 03201 0073	31850	2023	\$	274.25
M60 03201 0131	31850	2023	\$	150.01
M60 03202 0104	31850	2023	\$	360.12
M60 03203 0010	31850	2023	\$	101.79
M60 03203 0029	31850	2023	\$	163.37
M60 03207 0027	31850	2023	\$	153.58
M60 03207 0038	31850	2023	\$	139.23
M60 03207 0042	31850	2023	\$	185.14
M60 03209 0042	31850	2023	\$	308.68
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M60 03210 0040	31850	2023	\$	153.58
M60 03210 0051	31850	2023	\$	110.14
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M60 16301 0106	31850	2023	\$	204.90
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M60 16305 0015	31850	2023	\$	216.50
M60 16305 0019	31850	2023	\$	153.58
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M60 16310 0012	31850	2023	\$	91.78
M60 16312 0028	31850	2023	\$	84.06
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M60 16312 0030	31850	2023	\$	202.66

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M60 16312 0143	31850	2023	\$	209.01
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M60 28520 0004	31850	2023	\$	308.48
M60 28520 0012	31850	2023	\$	165.14
M60 28520 0019	31850	2023	\$	256.69
M60 28527 0006	31850	2023	\$	153.58
M60 28527 0008	31850	2023	\$	317.29
M60 28527 0011	31850	2023	\$	153.58
M60 28527 0012	31850	2023	\$	110.14
M60 28528 0001	31850	2023	\$	153.58
M60 28528 0003	31850	2023	\$	141.01
M60 28528 0008	31850	2023	\$	153.58
M60 28529 0005	31850	2023	\$	108.93
M60 28529 0009	31850	2023	\$	377.43
M60 28529 0013	31850	2023	\$	154.67
M60 28529 0017	31850	2023	\$	141.01
M60 51404 0003	31850	2023	\$	101.79
M60103208 0029	31850	2023	\$	153.58
M60103208 0043	31850	2023	\$	327.61
M60103208 0057	31850	2023	\$	108.07
M60116416 0008	31850	2023	\$	132.40
M60116416 0022	31850	2023	\$	322.98
M60116416 0030	31850	2023	\$	150.01
M60116416 0034	31850	2023	\$	153.58
M60116416 0036	31850	2023	\$	174.11

M60116416 0037	31850	2023	\$	153.58
M60116416 0045	31850	2023	\$	95.51
M60116416 0046	31850	2023	\$	141.01
				\$ 63,085.05