

CITY OF CLAYTON, OHIO

ORDINANCE NO. O – 08 - 25 -21

AN ORDINANCE AMENDING PART THIRTEEN-BUILDING CODE, TITLE ONE-PROPERTY MAINTENANCE CODE - OF THE CLAYTON CODIFIED ORDINANCES

WHEREAS, Council has determined it to be in the best interest of the health, safety, and welfare of the citizenry to amend Part Thirteen-Building Code, Title One-Property Maintenance Code- of the Clayton Codified Ordnances, in order to encourage greater compliance with the provisions of the Property Maintenance Code.

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

1. That the following Sections of Part Thirteen-Building Code, Title One-Property Maintenance Code-of the Clayton Codified Ordinances is hereby amended as indicated below. Additions are in **bold** and deletions are in ~~strikethrough~~.

1309.08 INSPECTIONS: AND REINSPECTION FEES.

The Enforcement Officer is authorized to make inspections of building exteriors and Premises for purposes of enforcing the provisions of this Exterior Property Maintenance Code. For the purpose of making such inspections, and upon showing appropriate identification, the Enforcement Officer is hereby authorized to examine and survey at any reasonable hour all residential, commercial, industrial and other premises.

Any person who neglects, fails, or refuses to correct a violation within the stated violation compliance deadline shall be assessed a re-inspection fee of fifty dollars (\$50.00) for each re-inspection. The owner of the property shall be billed for re-inspection fees and if not paid, such an amount shall be certified to the County Auditor for collection in the same manner as other taxes and assessments.

1309.12 PROSECUTION.

In case any violation is not promptly complied with, the Enforcement Officer may request the Law Director to institute an appropriate action or proceeding at law to exact the penalty provided in Section 1309.99 of this Code, and in addition thereto, may ask the City Attorney to proceed at law or in equity against the person responsible for the violation for the purpose of ordering him/her to abate such nuisance.

The imposition of penalties herein prescribed shall not preclude the City Attorney or Code Official of the City of Clayton from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to

stop an illegal act, conduct, business or utilization of a building, structure or premises. Any costs incurred by the City shall be billed to the owner of the property plus the City's administrative cost of one hundred dollars (\$100.00). The owner of the property, building, structure or premises shall be billed for costs and if not paid, such amount shall be certified to the County Auditor for collection in the same manner as other taxes and assessments.

1309.13 ABATEMENT OF PUBLIC NUISANCE BY CITY AND COST RECOVERY.

...

(c) Authority of City to Enter and Abate Nuisance.

...

(1) The owner, occupant, or person having charge of the premises shall be required to pay for the entire cost of abatement, including, but not limited to, costs of removal and disposal **plus the City's administrative cost of one hundred dollars (\$100.00)** in the following manner:

...

(e) Penalty.

(1) Except as otherwise provided in this subsection, whoever violates subsection (b) hereof is guilty of a ~~minor misdemeanor.~~ **misdemeanor of the fourth degree.** If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to a violation of subsection (b), whoever violates subsection (b) hereof is guilty of a ~~misdemeanor of the fourth degree.~~ **misdemeanor of the third degree.** If, within one year of the offense, the offender previously has been convicted of two or more violations of subsection (b), whoever violates subsection (b) hereof is guilty of a misdemeanor of the ~~third~~ **second** degree. A separate offense shall be deemed committed each day during or on which a violation of noncompliance occurs or continues beyond the fourteen (14) day compliance period or any extension thereof granted.

...

1309.99 VIOLATIONS AND PENALTIES.

(a) No person shall violate any provision of fail to conform to any of the requirements of this Exterior Property Maintenance Code or fail to comply with any order made thereunder.

(b) Whoever violates any section of this Code shall be guilty of a ~~minor misdemeanor.~~ **misdemeanor of the fourth degree.** A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(c) The application of the penalty provided in subsection (b) hereof shall not be held to prevent the enforced removal of prohibited conditions.

2. That the remaining provisions of Part Thirteen-Building Code, Title One-Property Maintenance Code-of the Clayton Codified Ordinances not amended herein remain unchanged and in full 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 August 21, 2025 and September 4, 2025.

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 4, 2025.

AUTHENTICATION:


Mayor (Presiding Officer of Council)


Clerk of Council

APPROVED AS TO FORM:


Law Director

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 Edon Register Herald Date of publication September 10, 2025


CLERK