

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES September 4, 2025

OLD BUSINESS

ORDINANCES: COUNCIL VOTED TO TABLE THE FOLLOWING ORDINANCE TO THE NEXT REGULAR MEETING OF COUNCIL

ORDINANCE NO. O – 07 – 25 – 09

AN ORDINANCE ADOPTING AND MODIFYING THE PLANNING COMMISSION’S RECOMMENDATION TO APPROVE THE FINAL DEVELOPMENT PLAN OF DDC MANAGEMENT, LLC WITH SPECIFIED CONDITIONS, SUBMITTED FOR PROPERTY LOCATED NEAR THE INTERSECTION OF WESTBROOK ROAD AND UNION ROAD AND BEARING PARCEL I.D. NUMBER M60 03207 0023 COMPRISED OF 37.098 ACRES WITHIN THE CITY OF CLAYTON, OHIO

WHEREAS, on June 10, 2025, an application was filed by DDC Management, LLC for the property located near the intersection of Westbrook Road and Union Road and bearing Parcel I.D. Number M60 03207 0023, containing 37.098 acres within the City of Clayton, Ohio (“Subject Property”) requesting approval of its submitted 17.09 acre Final Development Plan; and

WHEREAS, the Clayton Planning Commission held a public hearing on June 23, 2025, on said Final Development Plan approval request at which time any and all persons were given an opportunity to be heard thereon, and the Clayton Planning Commission, at said June 23, 2025 meeting, *voted to recommend approval of the Final Subdivision Plan with specified conditions appended hereto as Exhibit A*; and

WHEREAS, the Clayton City Council held a public hearing on July 17, 2025, on the aforesaid Final Development Plan request, at which time any and all persons were given an opportunity to be heard thereon.

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

1. That the Council hereby adopts **the Planning Commission’s recommendation for approval of the Final Development Plan, with specified condition(s), of the Subject Property and modifies said recommendation to include the additional condition:**

Thirty Foot Tree Line Preservation Area Condition: Property Owner and DDC Management, LLC, shall create via Final Record Plat, which will be executed and recorded with the Office of the Montgomery County Recorder, a thirty (30) foot Preservation Easement to perpetually preserve an existing tree line located at the northeast corner of the subject property as identified on the attached Exhibit A. Prior to recording, copies of the aforesaid Final Record

Plat shall be provided to the City of Clayton for review. Language shall be included to define this Preservation Easement's purpose; to include no mass clearing, modification, or change in use within the thirty (30) foot Preservation Easement without the prior written consent of the City of Clayton. Notwithstanding the foregoing, trees and vegetation located within the thirty (30) foot Preservation Easement which constitute a bona fide hazard may be trimmed or removed as necessary to address the hazard.

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 August 21, 2025 and September 4, 2025.
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 4, 2025

OLD BUSINESS

ORDINANCES (SECOND OF TWO READINGS AND ENACTMENT VIA EMERGENCY)

ORDINANCE NO. O – 08 – 25 – 13

AN ORDINANCE ADOPTING ESTIMATED ASSESSMENTS AND CERTIFYING UNPAID CHARGES FOR 2025/2026 CURB AND GUTTER REPAIR/REPLACEMENT WORK TO THE MONTGOMERY COUNTY AUDITOR FOR COLLECTION WITH REAL ESTATE TAXES (FIVE ANNUAL INSTALLMENTS) AND DECLARING AN EMERGENCY

WHEREAS, the City Staff has heretofore studied the need to repair and/or remove and replace curbs and gutters within the areas identified on **Exhibit A** appended to the previously adopted Resolution of Necessity No. R-03-25-23 enacted on March 20, 2025; and

WHEREAS, the aforementioned Resolution of Necessity provided that in the event said curbs and gutters are not repaired and/or removed and replaced by the respective property owners after service of notice upon said property owners and prior to April 25, 2025 in accordance with the plans and specifications filed with the Clerk of Council, the municipal corporation will cause such repair and/or removal and replacement to occur and assess the cost thereof against the lots and lands abutting thereon; and

WHEREAS, consistent with the aforementioned Resolution of Necessity, the City has caused certain curbs and gutters to be repaired and/or removed and replaced and a List of Estimated Assessments relative to same was provided to the subject property owners via publication per CCO 904.04(e) and issued to Council on March 14, 2025; and

WHEREAS, the Clerk of Council has delivered to Council all objections to the Estimated Assessments received to date, if any, and Council has reviewed same and desires to adopt the present Ordinance in order to levy upon the lots and lands enumerated in the List of Estimated Assessments the amounts set forth on such List of Estimated Assessments and attached hereto as **Exhibit A**.

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

1. That Council hereby approves and adopts the attached List of Estimated Assessments and levies same and the Finance Director is hereby authorized and directed to certify to the Auditor of Montgomery County, Ohio, the attached List of Estimated Assessments for 2025/2026 curbs and gutters repair/replacement assessments within 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 work. The City requests that these charges be made a lien against the respective properties in accordance with Ohio Revised Code 729.01, et. seq.
2. *That the attached Assessments NOT in excess of \$2,500.00 shall be payable in annual installments not exceeding five.*
3. That Assessments may be payable in cash until Friday, August 29, 2025.
4. That no later than Monday, September 8, 2025, the Clerk is directed to forward a certified copy of this Ordinance to the Montgomery County Auditor.
5. That in accordance with Clayton Charter Section 4.031(B) 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.
6. 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 4, 2025

ORDINANCE NO. O – 08 – 25 – 14

AN ORDINANCE ADOPTING ESTIMATED ASSESSMENTS AND CERTIFYING UNPAID CHARGES FOR 2025/2026 CURB AND GUTTER REPAIR/REPLACEMENT WORK TO THE MONTGOMERY COUNTY AUDITOR FOR COLLECTION WITH REAL ESTATE TAXES (TEN ANNUAL INSTALLMENTS) AND DECLARING AN EMERGENCY

WHEREAS, the City Staff has heretofore studied the need to repair and/or remove and replace curbs and gutters within the areas identified on **Exhibit A** appended to the previously adopted Resolution of Necessity No. R-03-25-23 enacted on March 20, 2025 and;

WHEREAS, the aforementioned Resolution of Necessity provided that in the event said curbs and gutters are not repaired and/or removed and replaced by the respective property owners after service of notice upon said property owners and prior to April 25, 2025 in accordance with the plans and specifications filed with the Clerk of Council, the municipal corporation will cause such repair and/or removal and replacement to occur and assess the cost thereof against the lots and lands abutting thereon; and

WHEREAS, consistent with the aforementioned Resolution of Necessity, the City has caused certain curbs and gutters to be repaired and/or removed and replaced and a List of Estimated Assessments relative to same was provided to the subject property owners via publication per CCO 904.04(e) and issued to Council on March 14, 2025; and

WHEREAS, the Clerk of Council has delivered to Council all objections to the Estimated Assessments received to date, if any, and Council has reviewed same and desires to adopt the present Ordinance in order to levy upon the lots and lands enumerated in the List of Estimated Assessments the amounts set forth on such List of Estimated Assessments and attached hereto as **Exhibit A**.

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

1. That Council hereby approves and adopts the attached List of Estimated Assessments and levies same and the Finance Director is hereby authorized and directed to certify to the Auditor of Montgomery County, Ohio, the attached List of Estimated Assessments for 2025/2026 curbs and gutters repair/replacement assessments within 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 work. The City requests that these charges be made a lien against the respective properties in accordance with Ohio Revised Code 729.01, et. seq.
2. *That the attached Assessments in excess of \$2,500.00 shall be payable in annual installments not exceeding ten.*
3. That Assessments may be payable in cash until Friday, August 29, 2025.

4. That no later than Monday, September 8, 2025, the Clerk is directed to forward a certified copy of this Ordinance to the Montgomery County Auditor.
5. That in accordance with Clayton Charter Section 4.031(B) 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.
6. 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 4, 2025

ORDINANCE NO. O – 08 – 25 – 15

AN ORDINANCE CERTIFYING UNPAID CHARGES FOR GRASS/WEED CUTTING FOR 2025/2026 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.

ADOPTED BY COUNCIL ON SEPTEMBER 4, 2025

ORDINANCE NO. O – 08 – 25 – 16

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 |
| | | N. | Wenger Village, Section Three |
| | | O. | Hunter's Path |
| | | P. | Hunter's Path Phase Two |

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 - P** 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 4, 2025

ORDINANCE NO. O – 08 – 25 – 17

AN ORDINANCE AUTHORIZING THE SUBMISSION OF THE 2025/2026 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 4, 2025

ORDINANCE NO. O – 08 – 25 – 18

AN ORDINANCE CERTIFYING UNPAID CHARGES FOR NUISANCE ASSESSMENTS FOR 2025/2026 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 4, 2025

ORDINANCE NO. O – 08 – 25 – 19

AN ORDINANCE TO IMPOSE ASSESSMENTS UPON OWNERS OF REAL PROPERTY IN ARREARS FOR PAYMENT OF FEES FOR WASTE HAULING AND DISPOSAL SERVICES FOR 2025/2026 AND DECLARING AN EMERGENCY

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 4, 2025

ORDINANCES (SECOND OF TWO READINGS AND ENACTMENT)

ORDINANCE NO. O – 08 – 25 – 20

AN ORDINANCE APPROVING AMENDMENTS TO THE CITY’S PERSONNEL PRACTICES MANUAL AS DELINEATED IN THE APPENDED EXHIBIT A

WHEREAS, pursuant to Charter Section 11.03, Council adopted Ordinance No. O-08-99-15 on October 7, 1999 adopting a Personnel Practices Manual; and

WHEREAS, City Staff has recommended amendment of and additions to the Personnel Practices Manual as shown on the appended **Exhibit A**.

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

1. That the City’s Personnel Practices Manual is hereby amended as delineated in the appended **Exhibit A**.
2. That the City Manager is authorized to revise those portions of the Personnel Practices Manual, if any, which are directly impacted by the above language revisions.

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 August 21, 2025 and September 4, 2025.
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 4, 2025

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 Ordinances, 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

NEW BUSINESS

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 09 – 25 – 68

A RESOLUTION TO AUTHORIZE AND APPROVE AN AGREEMENT WITH MONTGOMERY COUNTY TO PROVIDE EMERGENCY PREPAREDNESS, HOMELAND SECURITY AND EMERGENCY MANAGEMENT SERVICES FOR THE CITY OF CLAYTON, OHIO

WHEREAS, the City of Clayton desires to participate in the creation of a Countywide emergency management agency pursuant to Ohio Revised Code Section 5502.26 et seq.; and

WHEREAS, the City of Clayton desires to enter into an agreement with Montgomery County to provide its emergency preparedness, homeland security and emergency management services as outlined in the Montgomery County Jurisdictional Emergency Management Intergovernmental Agreement (“Agreement”) appended hereto as *Exhibit A*.

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

1. That the Montgomery County Jurisdictional Emergency Management Intergovernmental Agreement between Montgomery County and the City of Clayton, Ohio, a copy of which is appended hereto as *Exhibit A*, is hereby approved.
2. That the Clerk of Council is hereby directed to certify a copy of this Resolution and forward it to the Montgomery County Office of Emergency Management.

ADOPTED BY COUNCIL ON SEPTEMBER 4, 2025

RESOLUTION NO. R – 09 – 25 – 69

**A RESOLUTION APPOINTING ELAINE WITTMAN AS ACTING CITY MANAGER
EFFECTIVE SEPTEMBER 17, 2025**

WHEREAS, City Council desires to appoint Elaine Wittman as Acting City Manager effective September 17, 2025 until further action by Council.

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

1. That Elaine Wittman is hereby appointed Acting City Manager effective September 17, 2025 to exercise all powers, duties, and functions of the City Manager until further action of Council.

ADOPTED BY COUNCIL ON SEPTEMBER 4, 2025

RESOLUTION NO. R – 09 – 25 – 70

**A RESOLUTION APPOINTING JOYCE M. DEITERING AS ACTING LAW
DIRECTOR EFFECTIVE SEPTEMBER 15, 2025**

WHEREAS, City Council desires to appoint Joyce M. Deitering as Acting Law Director effective September 15, 2025 until further action by Council.

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

1. That Joyce M. Deitering is hereby appointed Acting Law Director effective September 15, 2025 to exercise all powers, duties, and functions of the Law Director until further action of Council and to be compensated in accordance with the attached **Exhibit A**.

ADOPTED BY COUNCIL ON SEPTEMBER 4, 2025
