

# CITY OF CLAYTON, OHIO

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## RESOLUTIONS AND ORDINANCES

February 19, 2026

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### ORDINANCES (FIRST OF TWO READINGS)

#### ORDINANCE NO. O – 02 – 26 – 01

#### **AN ORDINANCE AMENDING CLAYTON CODIFIED ORDINANCE 351.011 TO ADD A GRADUATED PENALTY STRUCTURE FOR SNOW EMERGENCY PARKING VIOLATIONS AND TO CLARIFY ENFORCEMENT BY CITATION AND/OR TOWING; AND DECLARING AN EFFECTIVE DATE**

**WHEREAS**, Clayton Codified Ordinance (“COC”) 351.011 currently prohibits parking on City streets during a declared snow emergency and authorizes the towing of vehicles in violation of that prohibition; and

**WHEREAS**, A snow emergency shall exist when two or more inches of snow have fallen in the City of Clayton or in a section thereof; and

**WHEREAS**, City Council finds that towing alone, while necessary in some circumstances to remove immediate impediments to snow and ice operations, does not provide a citation structure that supports efficient enforcement and deters repeat violations; and

**WHEREAS**, the City Manager and Police Chief have recommended adoption of an additional penalty subsection establishing graduated penalties for repeat violations within a one-year period, and clarifying that an officer may issue a citation in addition to, or in lieu of, towing when appropriate; and

**WHEREAS**, City Council finds that these amendments will improve compliance with snow emergency parking restrictions, enhance public safety, and support the Service Department’s ability to safely and effectively clear roadways during snow emergencies; and

**WHEREAS**, all formal actions and deliberations of Council regarding this Ordinance have been conducted in open meetings in compliance with applicable legal requirements;

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

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#### **SECTION 1. Amendment of COC 351.011 (Snow Emergency Parking Restrictions).**

COC 351.011 is hereby amended to read as follows (new provisions included within the text below):

#### **351.011 SNOW EMERGENCY PARKING RESTRICTIONS.**

##### **(a) Declaration of Snow Emergency.**

When a snow emergency is declared for the City by the City Manager (or the City Manager’s designee) due to snow, ice, or other winter weather conditions, the snow emergency shall remain in effect until terminated by the City Manager (or designee). A snow emergency shall exist when two or more inches of snow have fallen in the City of Clayton or in a section thereof.

**(b) Prohibited Parking During Snow Emergency.**

During a declared snow emergency, no person shall park, stop, or leave any vehicle standing on any public street or right-of-way within the City for the duration of the snow emergency, except as otherwise expressly authorized by the City for emergency response, public safety, or snow and ice operations.

**(c) Enforcement; Citation; Removal and Impound.**

(1) A police officer or other authorized enforcement official may enforce this section by issuing a citation for a violation.

(2) In addition to, or in lieu of, issuing a citation, a police officer may cause the removal and impound of any vehicle parked, stopped, or left standing in violation of this section when the vehicle poses an immediate impediment to snow removal operations, emergency response, or public safety, or when removal is otherwise reasonably necessary to effectuate the purposes of this section.

(3) All towing, storage, and administrative costs associated with removal and impound under this section shall be the responsibility of the vehicle owner and/or operator, as permitted by law.

**(d) Penalty; Graduated Offenses.**

(1) A violation of this section is a **minor misdemeanor**.

(2) If, **within one (1) year of the offense**, the offender previously has been convicted of or pleaded guilty to **one (1)** violation of this section, a violation of this section is a **misdemeanor of the fourth degree**.

(3) If, **within one (1) year of the offense**, the offender previously has been convicted of or pleaded guilty to **two (2) or more** violations of this section, a violation of this section is a **misdemeanor of the third degree**.

(4) The applicable penalties for minor misdemeanors and misdemeanors of the third and fourth degree shall be as provided in Ohio law, including R.C. 2929.24 and R.C. 2929.28, as may be amended.

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**SECTION 2. Severability.**

If any provision of this Ordinance or its application to any person or circumstance is determined to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

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**SECTION 3. Repealer.**

All ordinances and resolutions, or parts thereof, that are inconsistent with this Ordinance are repealed only to the extent of the inconsistency.

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**SECTION 4. Effective Date.**

This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

**ORDINANCE NO. O – 02 – 26 – 02**

**AN ORDINANCE AMENDING PART FIFTEEN, CHAPTER 1520, SECTION 1520.01 OF THE CLAYTON CODIFIED ORDINANCES REGARDING FIRE HYDRANT SPACING; ALIGNING LOCAL REQUIREMENTS WITH THE OHIO FIRE CODE; AUTHORIZING THE FIRE CHIEF TO APPROVE REASONABLE ALLOWANCES; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, City Council has reviewed Staff Report COC 1520-01 regarding proposed modifications to fire hydrant spacing requirements to better align with the **Ohio Fire Code** and to provide for reasonable administrative allowances; and

WHEREAS, Council finds that amending Clayton Codified Ordinance Part 15, Chapter 1520, Section 1520.01 will promote public safety while providing appropriate flexibility in hydrant placement consistent with applicable codes and site conditions.

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

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**SECTION 1. Amendment of Clayton Codified Ordinances Section 1520.01.**

Part 15, Chapter 1520, Section 1520.01(f) of the Clayton Codified Ordinances is hereby amended to read as follows:

**“1520.01 FIRE HYDRANT LOCATIONS AND APPROVAL.**

(f) **Distance:** Fire hydrants shall be placed **not over 500 feet apart, or as approved by the Fire Chief**, measured on the main, in all **residential or multi-residential** districts within the limits of the City of Clayton.

Fire hydrants shall be placed **not over 300 feet apart, or as approved by the Fire Chief**, measured on the main, in all **commercial or industrial** districts within the limits of the City of Clayton.

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**SECTION 2. Repealer.**

All ordinances and resolutions, or parts thereof, inconsistent with this Ordinance are repealed **only to the extent of the inconsistency.**

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**SECTION 3. Severability.**

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of this Ordinance and its application shall not be affected and shall remain in full force and effect.

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**SECTION 4. Effective Date.**

(a) **Non-emergency option.** This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

**ORDINANCES (FIRST READING AND ENACTMENT AS AN EMERGENCY)**

**ORDINANCE NO. O – 02 – 26 – 03**

**AN ORDINANCE DECLARING THE NECESSITY FOR AND APPROVING THE APPROPRIATION OF CERTAIN INTERESTS IN REAL PROPERTY FOR THE NORTH MAIN STREET/STATE ROUTE 48 SIDEWALK IMPROVEMENT PROJECT KNOWN AS MOT 48-20.6; AUTHORIZING THE LAW DIRECTOR TO FILE PETITIONS FOR APPROPRIATION AND TO DEPOSIT THE VALUE OF THE TAKINGS AND DAMAGES; AND PROVIDING FOR PROCEDURAL REQUIREMENTS AND DECLARING AN EMERGENCY**

**WHEREAS:**

- 1.1. City Council finds that the public convenience and necessity require the construction of roadway improvements known as the North Main Street/State Route 48 Sidewalk Improvement project (Mot 48-20.6) within the City of Clayton, Montgomery County, Ohio.
- 1.2. The project necessitates the acquisition of permanent right-of-way interests and temporary construction easements over and across certain parcels located along North Main St/State Rte 48, as more particularly described in the exhibits attached hereto.
- 1.3. Negotiations were undertaken in good faith with affected owners, but agreements could not be reached with all owners; and

**WHEREAS:**

- 2.1. It is hereby declared necessary and is ordered that the City appropriate the following interests:
  - (a) Permanent right-of-way in fee simple over the lands described in Exhibits A and B; and
  - (b) Temporary construction easements for grading and seeding and related work over the lands described in Exhibits A and B for 12 months from date of entry by the City of Clayton.
- 2.2. The interests appropriated are taken for public use and for the purpose of constructing, operating, and maintaining public roadway improvements.
- 2.3. Access Reservation. Grantors and their successors shall retain all existing rights of ingress and egress to and from any residue not taken, except as may be reasonably restricted during active construction for safety; and

**WHEREAS:**

- 3.1. The parcels are situated in the City of Clayton, Montgomery County, Ohio, identified by permanent parcel numbers and legal descriptions set forth in the attached exhibits:
  - Exhibit A M57-00821-0003
  - Exhibit B M57-00821-0001
- 3.2. The legal descriptions and drawings attached as Exhibits A and B are incorporated by reference and made a part of this Ordinance; and

**WHEREAS:**

- 4.1. The City has obtained appraisals and/or appraisal reviews of the interests to be acquired and the resulting damages, if any, to the residue.
- 4.2. The Law Director is authorized and directed to tender just compensation to affected owners consistent with the approved appraisals and to continue good-faith negotiations.

4.3. If agreement cannot be reached, the Law Director is authorized to file petitions for appropriation in the appropriate court and to deposit with the court the amount of the City's valuation of the property taken and any damages to the residue, all in accordance with Ohio law; and

**WHEREAS:**

5.1. The Law Director is authorized to prepare and file petitions for appropriation, to prosecute such actions to judgment, to make any necessary applications or motions, and to take such further actions as are reasonably necessary to acquire the interests described herein; and

**WHEREAS:**

6.1. Upon deposit or as otherwise provided by law, the City and its contractors may enter upon the areas to be appropriated for purposes of construction, subject to any court orders and statutory requirements; and

**WHEREAS:**

7.1. This Ordinance is adopted pursuant to the City of Clayton Charter and the laws of the State of Ohio governing municipal appropriations of property for public purposes; and

**WHEREAS:**

8.1. This Ordinance shall operate as an exception to any ordinance, resolution, or legislation of the City of Clayton that is inconsistent herewith or imposes additional requirements for effectiveness or validity, and such prior enactments are superseded to the extent of conflict; and

**WHEREAS;**

9.1. Readings. This Ordinance shall be read on two different days in accordance with Charter Section 4.031 unless duly dispensed with by the requisite vote; and

**WHEREAS;**

10.1. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare, in order to timely commence and complete the North Main Street/State Route 48 Sidewalk Improvement project (Mot 48-20.6) and to avoid increased costs and risks to the traveling public.

10.2. This Ordinance shall take effect immediately upon its adoption by the affirmative vote of at least five Council members.

ADOPTED BY COUNCIL ON FEBRUARY 19, 2026

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

**RESOLUTION NO. R – 02 – 26 – 21**

**A RESOLUTION AUTHORIZING CITY STAFF TO PURSUE  
COLLABORATION WITH THE AARP NETWORK OF AGE-FRIENDLY  
COMMUNITIES**

**WHEREAS,** the planning processes including community revitalization and economic development plans should include the needs of all people regardless of age, income, physical ability, race and other factors of older adults; and

**WHEREAS**, community decisions on land-use, housing, and transportation should be consistent with the various plans that have been developed with public input; and

**WHEREAS**, members of the AARP Network of Age-Friendly Communities become part of a global network of communities that are committed to giving their older residents the opportunity to live rewarding, productive and safe lives; and

**WHEREAS**, collaboration in the Network of Age-Friendly Communities includes access to financial assistance and technical expertise; and

**WHEREAS**, staff is requesting the City of Clayton join the AARP Age-Friendly Communities network; and

**WHEREAS**, a paid membership to the AARP in general is not required to join the AARP Age-Friendly Communities network, nor to be eligible for financial assistance and technical expertise.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CLAYTON, THAT:**

**SECTION I.**

City Council hereby approves this resolution which provides staff with the following:

- (1) Permission to pursue collaboration with the AARP and the World Health Organization (WHO) Age-Friendly Community
- (2) To pursue grant funding associated with age-friendly initiatives
- (3) Utilize the funding obtained through grants to be dedicated towards age-friendly initiatives, such as a Community Needs Assessment.

**SECTION II.**

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

**SECTION III.**

This Resolution shall become effective immediately upon its passage.

**ADOPTED BY COUNCIL ON FEBRUARY 19, 2026**

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**RESOLUTION NO. R – 02 – 26 – 22**

**A RESOLUTION EXTENDING, UP TO AND INCLUDING MARCH 4, 2027, THE PREVIOUSLY APPROVED 365 DAY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR ZONING, OCCUPANCY, CONDITIONAL USE, AND/OR BUILDING PERMIT APPROVALS FOR RESIDENTIAL CARE FACILITIES AND CONGREGATE RESIDENTIAL FACILITIES WITHIN THE CITY OF CLAYTON, OHIO**

**WHEREAS**, via enactment of Resolution No. R-02-25-19 on February 20, 2025, Council adopted a temporary 365-day moratorium on the acceptance and processing of applications for zoning, occupancy, conditional use, and/or building permit approvals for Residential Care Facilities and Congregate Residential Facilities within the City of Clayton, Ohio and said moratorium is scheduled to expire on March 4, 2026; and

**WHEREAS**, pursuant to the Ohio Constitution and local ordinances, City Council possesses the inherent power to enact appropriate planning, zoning, and business regulation laws that further the health, safety, welfare, comfort and peace of its citizens; and

**WHEREAS**, Clayton Codified Ordinance Section 1181.01 defines "Residential Care" and "Congregate Residential" facilities; and

**WHEREAS**, Council desires to extend the present 365-day temporary moratorium until and including March 4, 2027 in order to provide additional time to gather data and review land use regulations to determine what new regulations, if any, should be adopted to facilitate orderly development and regulation of Residential Care Facilities and Congregate Residential Facilities within the City of Clayton, Ohio; and

**WHEREAS**, Council has determined extending the current moratorium until and including March 4, 2027 will provide the City with the time necessary to conduct a meaningful review of siting and standards for Residential Care Facilities and Congregate Residential Facilities within the City of Clayton, Ohio; and

**WHEREAS**, this moratorium shall not affect projects which have already received authorization and permits prior to the effective date of Resolution No. R-09-24-49 or have a current application pending; and

**WHEREAS**, those applications pertaining to the provision of housing for a protected class, as defined by the Fair Housing Act or by state law, shall not be affected by this temporary moratorium.

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

Section 1: That the immediate and temporary moratorium of 365 days adopted by Council via enactment of Resolution No. R-02-25-19 on February 20, 2025 on the acceptance and processing of applications for zoning, occupancy, conditional use, and/or building permit approvals, and associated pre-occupancy inspections for Residential Care Facilities and Congregate Residential Facilities within the City of Clayton, Ohio is hereby extended to and including March 4, 2027. Said moratorium shall expire on March 5, 2027 unless earlier revoked by Council before March 5, 2027.

Section 2: Council seeks to limit the duration of the moratorium as set forth herein and, therefore, instructs City Staff and the Planning Commission to immediately and expeditiously undertake their review to determine what changes, if any, should be made to the Clayton Codified Ordinances as it relates to Residential Care Facilities and Congregate Residential Facilities.

Section 3: City Council hereby orders and directs that no new applications for zoning, occupancy, conditional use, and/or building permit approvals, and associated pre-occupancy inspections for Residential Care Facilities and Congregate Residential Facilities within the City of Clayton, Ohio be accepted, nor shall any new pennits be issued allowing the startup, building, development or improvements (required maintenance excepted) concerning Residential Care Facilities and Congregate Residential Facilities within the City of Clayton, Ohio through and including March 4, 2027, unless said application applies to the provision of housing for a protected class, as defined by the Fair Housing Act or by state law. This moratorium shall not affect projects which have already received authorization and permits prior to the effective date of Resolution No. R-09-24-49 or have a current application pending.

Section 4: It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

ADOPTED BY COUNCIL ON FEBRUARY 19, 2026

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## **RESOLUTION NO. R – 02 – 26 – 23**

### **A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH CHOICE ONE ENGINEERING FOR DESIGN ENGINEERING SERVICES FOR THE MAIN STREET (SR 48) PEDESTRIAN IMPROVEMENT PROJECT – ENGINEERING PHASE 2 (PID 124483) AND ACKNOWLEDGING GRANT FUNDING AND LOCAL MATCH OBLIGATIONS**

**WHEREAS**, the City of Clayton (the “City”) is the sponsor of the Main Street (SR 48) pedestrian improvement project identified as MOT–SR 48 20.28 Pedestrian Improvement Project, Engineering Phase 2, Ohio Department of Transportation (“ODOT”) Project Identification Number (“PID”) 124483 (the “Project”); and

**WHEREAS**, the City has been awarded grant funding through the State of Ohio for the Project in an amount up to Two Million Dollars (\$2,000,000.00), with the City responsible for eligible costs not covered by the grant, including any construction costs exceeding the grant amount; and

**WHEREAS**, the Project corridor generally begins at Heathcliff Road and continues south to the Old Salem intersection and includes, among other improvements, traffic signal upgrades (including new signals at Heathcliff Road), storm sewer, new sidewalk and curb, and street lighting, with curb ramps updated to current ADA standards; and

**WHEREAS**, the total Project cost is currently estimated at approximately Four Million Six Hundred Thousand Dollars (\$4,600,000.00), with construction anticipated to begin in 2029; and

**WHEREAS**, design engineering for Engineering Phase 2 is estimated at Six Hundred Twenty-Four Thousand Dollars (\$624,000.00), with the City responsible for ten percent (10%) of that cost,

currently estimated at Sixty-Two Thousand Four Hundred Dollars (\$62,400.00), to be appropriated through the City’s yearly construction budget and/or other lawfully available funds; and

**WHEREAS**, the Project must be designed in accordance with applicable ODOT requirements and local standards, including the ODOT Location and Design Manual, the Multimodal Design Guide, and the City’s Local Design Standards/Specifications, with any design exceptions documented as required; and

**WHEREAS**, the Project requires coordination and compliance activities, including environmental documentation and clearances (as applicable), public contracting requirements, and coordination with utilities including Frontier Communication, Charter Communication, AES Ohio, Centerpoint Energy, Montgomery County Environmental Services (“MCES”) (water/sanitary), and the City of Clayton (storm); and

**WHEREAS**, ODOT requires that consultants performing certain services for this Project be appropriately prequalified by ODOT, including (as applicable) construction plan development, right-of-way plan development, right-of-way acquisition/appraisal services, and construction inspection; and

**WHEREAS**, the City must ensure compliance with Title VI of the Civil Rights Act of 1964 and other applicable non-discrimination requirements in the administration of the Project and related contracting; and

**WHEREAS**, City staff has recommended that Council authorize the City Manager to enter into a contract with Choice One Engineering to perform the design engineering services for Engineering Phase 2 of the Project on terms consistent with the staff report titled “MAIN STREET PEDESTRIAN IMPROVEMENT ENGINEERING PHASE 2,” dated February 19, 2026.

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

**Section 1. Authorization of Agreement**

Council authorizes the City Manager to negotiate, approve, and execute a Professional Services Agreement (the “Agreement”) with Choice One Engineering for design engineering services for Engineering Phase 2 of the Main Street (SR 48) pedestrian improvement project (PID 124483), including related tasks and deliverables required by ODOT and/or the grant program, on terms substantially consistent with the staff report referenced above and in a form approved by the Director of Law.

**Section 2. Funding; Local Share**

Council acknowledges the State of Ohio grant funding in an amount up to \$2,000,000.00 for the Project and further acknowledges the City’s obligations for (i) the local match for design engineering currently estimated at \$62,400.00 (10% of the current design estimate), and (ii) costs not covered by the grant, including any construction costs exceeding the grant amount, subject to future appropriations by Council as required by law.

**Section 3. Compliance and Standards**

The City Manager and City staff are authorized and directed to administer the Agreement and the Project consistent with all applicable federal and state requirements and ODOT/local standards.

**Section 4. Utility and Right-of-Way Coordination**

The City Manager and City staff are authorized and directed to coordinate, as necessary, with ODOT, impacted property owners, and utility providers for the timely completion of design, any required right-

**RESOLUTION NO. R – 02 – 26 – 24**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL FROM TITAN COMMERCIAL FLOORING INC. FOR THE MEADOWBROOK CARPET PROJECT; AUTHORIZING THE EXECUTION OF RELATED CONTRACT DOCUMENTS AND AUTHORIZING EXPENDITURES**

**WHEREAS**, the City of Clayton (the “City”) has identified the need for flooring improvements known as the “Meadowbrook Carpet Project” (the “Project”); and

**WHEREAS**, Titan Commercial Flooring Inc. (“Titan”) submitted a proposal to furnish and install commercial flooring and related services for the Project (the “Proposal”); and

**WHEREAS**, City administration has reviewed the Proposal and determined that acceptance of the Proposal is in the best interests of the City, subject to final contract terms approved by the City’s legal counsel and consistent with applicable purchasing requirements; and

**WHEREAS**, Council finds that prompt authorization is necessary to maintain project scheduling and to avoid disruption to City operations.

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

**1. Acceptance of Proposal; Project Authorization**

City Council hereby authorizes the Meadowbrook Carpet Project and accepts the Proposal from Titan Commercial Flooring Inc., substantially in the form presented to Council, for a total contract amount not to exceed **\$41,823.00**, including any approved alternates and contingency as authorized herein.

**2. Authorization to Execute Contract Documents**

The City Manager (and/or the City Manager’s designee) is authorized and directed to negotiate, finalize, and execute a contract with Titan and any related documents necessary to complete the Project, including (as applicable) a scope of work, schedule, general conditions, purchase order, and required contractor affidavits/certifications, provided that:

- a. the final contract amount shall not exceed **\$41,823.00** without further Council action (unless otherwise authorized by ordinance/resolution or applicable purchasing authority).

**3. Project Manager / Point of Contact**

Titan’s identified project manager for coordination is **Doug Gerhart** ([dgerhart.titanflooring@gmail.com](mailto:dgerhart.titanflooring@gmail.com)), or such other representative as Titan may designate in writing and the City approves.

**4. Compliance with Applicable Requirements**

The City Manager is authorized to administer the Project consistent with applicable City procurement requirements and applicable provisions of the Ohio Revised Code, including any requirements related to competitive selection, contracting, and payment.