

# Ordinance No. 7935

## AN ORDINANCE AMENDING CHAPTER 521, REPEALING CHAPTER 531 AND ENACTING CHAPTER 1317 OF THE CODIFIED ORDINANCES

WHEREAS, Municipal Ordinances defining public nuisances and providing for the enforcement of prohibitions against the creation and maintenance of such conditions are confusing to the public and unnecessarily difficult to enforce; and,

WHEREAS, A comprehensive review of the Codified Ordinances has concluded that public understanding of the regulations will be promoted by consolidation of the relevant provisions into a single Chapter of the Codified Ordinances; and,

WHEREAS, Enactment of a comprehensive nuisance code requires repeal of Ordinances now existing in Chapters 521 and 531 of the Codified Ordinances;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: Chapter 521 of the Codified Ordinances is amended to provide (repealed text ~~stricken~~, added text in italics):

### CHAPTER 521 Health, Safety and Sanitation

#### ~~521.01 ABANDONED REFRIGERATORS AND AIRTIGHT CONTAINERS.~~

~~(a) No person shall abandon, discard, or knowingly permit to remain on premises under his control, in a place accessible to children, any abandoned or discarded icebox, refrigerator or other airtight or semiairtight container which has a capacity of one and one-half cubic feet or more and an opening of fifty square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid, without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein. This section shall not apply to an icebox, refrigerator or other airtight or semiairtight container located in that part of a building occupied by a dealer, warehouseman or repairman. (ORC 3767.29)~~

~~(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.~~

#### 521.021 VENTING OF HEATERS AND BURNERS.

(a) A brazier, salamander, space heater, room heater, furnace, water heater or other burner or heater using wood, coal, coke, fuel oil, kerosene, gasoline, natural gas, liquid petroleum gas or similar fuel, and tending to give off carbon monoxide or other harmful gas:

(1) When used in living quarters, or in any enclosed building or space in which persons are usually present, shall be used with a flue or vent so designed, installed and maintained as to vent the products of combustion outdoors; except in storage, factory or industrial buildings which are provided with sufficient ventilation to avoid the danger of carbon monoxide poisoning;

(2) When used as a portable or temporary burner or heater at a construction site, or in a warehouse, shed or structure in which persons are temporarily present, shall be vented as provided in subsection (a) hereof, or used with sufficient ventilation to avoid the danger of carbon monoxide poisoning.

(b) This section does not apply to domestic ranges, laundry stoves, gas logs installed in a fireplace with an adequate flue, or hot plates, unless the same are used as space or room heaters.

(c) No person shall negligently use, or, being the owner, person in charge, or occupant of premises, negligently permit the use of a burner or heater in violation of the standards for venting and ventilation provided in this section.

(d) Subsection (a) hereof does not apply to any kerosene-fired space or room heater that is equipped with an automatic extinguishing tip-over device, or to any natural gas-fired or liquid petroleum gas-fired space or room heater that is equipped with an oxygen depletion safety shutoff system, and that has its fuel

piped from a source outside of the building in which it is located, that are approved by an authoritative source recognized by the State Fire Marshal in the State Fire Code adopted by him under Ohio R.C. 3737.82.

(e) The State Fire Marshal may make rules to ensure the safe use of unvented kerosene, natural gas or liquid petroleum gas heaters exempted from subsection (a) hereof when used in assembly buildings, business buildings, high hazard buildings, institutional buildings, mercantile buildings and type R-1 and R-2 residential buildings, as these groups of buildings are defined in rules adopted by the Board of Building Standards under Ohio R.C. 3781.10. No person shall negligently use, or, being the owner, person in charge or occupant of premises, negligently permit the use of a heater in violation of any rules adopted under this subsection.

(f) The State Fire Marshal may make rules prescribing standards for written instructions containing ventilation requirements and warning of any potential fire hazards that may occur in using a kerosene, natural gas, or liquid petroleum gas heater. No person shall sell or offer for sale any kerosene, natural gas or liquid petroleum gas heater unless the manufacturer provides with the heater written instructions that comply with any rules adopted under this subsection.

(g) No product labeled as a fuel additive for kerosene heaters and having a flash point below one hundred degrees fahrenheit or thirty-seven and eight-tenths degrees centigrade shall be sold, offered for sale or used in any kerosene space heater.

(h) No device that prohibits any safety feature on a kerosene, natural gas or liquid petroleum gas space heater from operating shall be sold, offered for sale or used in connection with any kerosene, natural gas or liquid petroleum gas space heater.

(i) No person shall sell or offer for sale any kerosene-fired, natural gas or liquid petroleum gas-fired heater that is not exempt from subsection (a) hereof unless it is marked conspicuously by the manufacturer on the container with the phrase "Not Approved For Home Use."

(j) No person shall use a cabinet-type, liquid petroleum gas-fired heater having a fuel source within the heater, inside any building, except as permitted by the State Fire Marshal in the State Fire Code adopted by him under Ohio R.C. 3737.82. (ORC 3701.82)

(k) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 3701.99(C))

#### 521.032 BARRICADES AND WARNING LIGHTS; ABANDONED EXCAVATIONS.

(a) No person shall abandon or knowingly permit to remain on public or private property, any excavation, well, cesspool or structure which is in the process of construction, reconstruction, repair or alteration unless the same is adequately protected by suitable barricades and guarded by warning devices or lights at night so that the condition will not reasonably prove dangerous to life or limb.

(b) No person shall destroy, remove, damage or extinguish any barricade or warning light that is placed for the protection of the public so as to prevent injury to life or limb.

(c) Any owner or agent in control of a premises upon which a basement, cellar, well or cistern has been abandoned due to demolition, failure to build or any other reason shall cause the same to be filled to the ground surface with rock, gravel, earth or other suitable material.

(d) Whoever violates this section is guilty of a minor misdemeanor.

#### 521.043 SIDEWALK OBSTRUCTIONS; DAMAGE OR INJURY.

(a) No person shall place or knowingly drop upon any part of a sidewalk, playground or other public place any tacks, bottles, wire, glass, nails or other articles which may damage property of another or injure any person or animal traveling along or upon such sidewalk or playground.

(b) No person shall walk on, or allow any animal upon, or injure or deface in any way, any soft or newly laid sidewalk pavement.

(c) No person shall place, deposit or maintain any merchandise, goods, material or equipment upon any sidewalk so as to obstruct pedestrian traffic thereon except for such reasonable time as may be actually necessary for the delivery or

pickup of such articles. In no such case shall the obstruction remain on such sidewalk for more than one hour.

(d) No person shall unload upon, or transport any heavy merchandise, goods, material or equipment over or across any sidewalk or curb without first placing some sufficient protection over the pavement to protect against damage or injury. The affected area shall be rendered safe and free from danger.

(e) No person shall allow any cellar or trap door, coal chute or elevator or lift opening in any sidewalk to remain open without providing suitable safeguards to protect and warn pedestrian traffic of the dangerous condition.

(f) Whoever violates this section is guilty of a minor misdemeanor.

~~521.05 NOTICE TO FILL LOTS, REMOVE PUTRID SUBSTANCES.~~

~~(a) No person shall fail to comply with the following requirements within the lawful time after service or publication of the notice or resolution is made as required by law:~~

~~To fill or drain any lot or land or remove all putrid substances therefrom, or remove all obstructions from culverts, covered drains or natural watercourses as provided in Ohio R.C. 715.47.~~

~~(b) Whoever violates this section is guilty of a minor misdemeanor.~~

~~521.06 DUTY TO KEEP SIDEWALKS IN REPAIR AND CLEAN.~~

~~(a) No owner or occupant of abutting lands shall fail to keep the sidewalks, curbs or gutters in repair and free from snow, ice or any nuisance. (ORC 723.011)~~

~~(b) Whoever violates this section is guilty of a minor misdemeanor.~~

521.074 FENCES.

(a) No person shall erect or maintain any fence charged with electrical current.

(b) No person shall erect or maintain a barbed wire fence which abuts or is adjacent to any public street or sidewalk. This subsection (b) does not prevent the placement and use of not more than three strands of barbed wire on top of a fence other than a barbed wire fence, provided such strands are not less than seventy-two inches from the ground.

(c) Whoever violates this section is guilty of a minor misdemeanor.

521.085 LITTERING AND DEPOSIT OF GARBAGE, RUBBISH, JUNK, ETC.

(a) No person, regardless of intent, shall deposit litter or cause litter to be deposited on any public property, on private property not owned by the person, or in or on waters of the State, or Municipality, unless one of the following applies:

(1) The person is directed to do so by a public official as part of a litter collection drive;

(2) Except as provided in subsection (b) hereof, the person deposits the litter in a litter receptacle in a manner that prevents its being carried away by the elements;

(3) The person is issued a permit or license covering the litter pursuant to Ohio R. C. Chapter 3734 or 6111.

(b) No person, without privilege to do so, shall knowingly deposit litter, or cause it to be deposited, in a litter receptacle located on any public property or on any private property not owned by the person, unless one of the following applies:

(1) The litter was generated or located on the property on which the litter receptacle is located.

(2) The person is directed to do so by a public official as part of a litter collection drive.

(3) The person is directed to do so by a person whom the person reasonably believes to have the privilege to use the litter receptacle.

(4) The litter consists of any of the following:

A. The contents of a litter bag or container of a type and size customarily carried and used in a motor vehicle;

B. The contents of an ash tray of a type customarily installed or carried and used in a motor vehicle;

C. Beverage containers and food sacks, wrappings and containers of a type and in an amount that reasonably may be expected to be generated during routine commuting or business or recreational travel by a motor vehicle;

D. Beverage containers, food sacks, wrappings, containers and other materials of a type and in an amount that reasonably may be expected to be generated during a routine day by a person and deposited in a litter receptacle by a casual passerby.

(c)

(1) As used in subsection (b)(1) hereof, "public property" includes any private property open to the public for the conduct of business, the provision of a service, or upon the payment of a fee but does not include any private property to which the public otherwise does not have a right of access.

(2) As used in subsection (b)(4) hereof, "casual passerby" means a person who does not have depositing litter in a litter receptacle as the person's primary reason for traveling to or by the property on which the litter receptacle is located.

(d) As used in this section:

(1) "Litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass or anything else of an unsightly or unsanitary nature.

(2) "Deposit" means to throw, drop, discard or place.

(3) "Litter receptacle" means a dumpster, trash can, trash bin, garbage can or similar container in which litter is deposited for removal. (ORC 3767.32)

(e) No person shall cause or allow litter to be collected or remain in any place to the damage or prejudice of others or of the public, or unlawfully obstruct, impede, divert, corrupt or render unwholesome or impure, any natural watercourse.

(f) Whoever violates any provision of subsections (a) to (d) hereof, is guilty of a misdemeanor of the third degree. The sentencing court may, in addition to or in lieu of the penalty provided in this subsection require a person who violates subsections (a) to (d) hereof to remove litter from any public or private property, or in or on any waters. (ORC 3767.99(C))

#### ~~521.09 NOXIOUS OR OFFENSIVE ODORS.~~

~~(a) No person shall erect, continue, use or maintain a dwelling, building, structure or place for a residence or for the exercise of a trade, employment or business, or for the keeping or feeding of an animal which, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort or property of individuals or of the public. (ORC 3767.13)~~

~~(b) Whoever violates this section is guilty of a misdemeanor of the third degree.~~

#### 521.4006 NONSMOKING AREAS IN PLACES OF PUBLIC ASSEMBLY.

(a) As used in this section, "place of public assembly" means:

(1) Enclosed theaters, except the lobby; opera houses; auditoriums; classrooms; elevators; rooms in which persons are confined as a matter of health care, including but not limited to a hospital room and a room in a rest home serving as the residence of a person living in such rest home;

(2) All buildings and other enclosed structures owned by the State, its agencies or political subdivisions, including but not limited to hospitals and State institutions for the mentally retarded and the mentally ill; university and college buildings, except rooms within those buildings used primarily as the residences of students or other persons affiliated with the university or college; office buildings; libraries; museums; and vehicles used in public transportation. That portion of a building or other enclosed structure that is owned by the State, a State agency or a political subdivision and that is used primarily as a food service establishment is not a place of public assembly.

(3) Each portion of a building or enclosed structure that is not included in subsection (a)(1) or (2) hereof is a place of public assembly if it has a seating capacity of fifty or more persons and is available to the public. Restaurants, food service establishments, dining rooms, cafes, cafeterias or other rooms used primarily for the service of food, as well as bowling alleys and places licensed by the Department of Liquor Control to sell intoxicating beverages for consumption on the premises, are not places of public assembly.

(b) For the purpose of separating persons who smoke from persons who do not smoke for the comfort and health of persons not smoking, in every place of public assembly there shall be an area where smoking is not permitted, which shall be designated a no smoking area. Provided that, no more than one-half of the rooms in any health care facility in which persons are confined as a matter of health care may be designated as smoking areas in their entirety. The designation shall be made before the place of public assembly is made available to the public. In places included in subsection (a)(1) hereof the local fire authority having jurisdiction shall designate no smoking area. In places included in subsection (a)(2) hereof that are owned by the Municipality, Council shall designate an officer who shall designate the area. In places included in subsection (a)(3) hereof, the person having control of the operations of the place of public assembly shall designate the no smoking area. In places included in subsection (a)(2) hereof which are also included in subsection (a)(1) hereof, the officer who has authority to designate the area in places in subsection (a)(2) hereof shall designate the no smoking area. A no smoking area may include the entire place of public assembly. Designations shall be made by the placement of signs that are clearly visible and that state "NO SMOKING". No person shall remove signs from areas designated as no smoking areas.

(c) This section does not affect or modify the prohibition contained in Ohio R.C. 3313.751(B).

(d) No person shall smoke in any area designated as a no smoking area in accordance with subsection (b) hereof or Ohio R.C. 3791.031.

(e) Whoever violates this section is guilty of a minor misdemeanor. (ORC 3791.031)

#### ~~521.11 STORAGE OF JUNK CARS.~~

~~(a) As used in this section, "junk car" means any unlicensed motor vehicle or any used vehicle propelled or intended to be propelled by power other than human power and which is in an inoperative or partially dismantled condition. Portions of junk cars, including, but not limited to, hoods, fenders, radiators, rims, motor parts and tires, not being utilized for the repair of a motor vehicle, shall not be considered a "junk car." As used in this subsection, "inoperative condition" means incapable of being propelled under its own power in its present condition, and "partially dismantled condition" means that some part of a motor vehicle is missing, which part is ordinarily an essential component of the motor vehicle.~~

~~(b) No person shall be prevented from storing or keeping, or restricted in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that a person having such permission may be required to conceal, by means of buildings, fences, vegetation, terrain or other suitable obstruction, any licensed collector's vehicle stored in the open.~~

~~(c) The Chief of Police may send notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk car is left, that within ten days of receipt of the notice, the junk car either shall be covered by being housed in a garage or other suitable structure or shall be removed from the property.~~

~~(d) No person shall willfully leave a junk car uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk car is so left is prima facie evidence of willful failure to comply with the notice, and each subsequent period of thirty days that a junk car continues to be so left constitutes a separate offense. (ORC 4513.65)~~

~~(e) This section shall not apply to vehicles in an enclosed building, to commercial garages, repair shops or used car dealers or to operators of junkyards appropriately licensed and in compliance with the Business Regulation Code.~~

~~(f) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense such person is guilty of a misdemeanor of the fourth~~

~~degree; on each subsequent offense such person is guilty of a misdemeanor of the third degree.~~

~~(g) In addition to the penalties provided in subsection (f) hereof, upon the failure of any person to comply with an order of the Chief of Police or his or her duly authorized deputy with regard to the abatement of the nuisance described in this section, the Chief of Police, or any person designated by him or her, shall be authorized to enter upon the premises and abate the nuisance. In abating a nuisance, the Chief or his or her designee may take such action as is necessary to complete the abatement at the best price obtainable. The Chief or his or her designee shall make a written report to the County Auditor of his or her action with a statement of the charges for the services, the amount paid for labor and a proper description of the premises. These amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon the lands from and after the date of entry and shall be collected as other taxes and returned to the City with the General Fund.~~

#### ~~521.12 AIR POLLUTION.~~

~~(a) No person or business entity shall cause or allow to be emitted into the open air any foreign materials, such as dust, gas, fumes, mist, vapor, smoke or odors, in quantities which, by reason of their objectionable properties, shall be considered a nuisance because they:~~

- ~~(1) Injure or have a harmful effect upon the health, safety or welfare of any person or the public;~~
- ~~(2) Create a disagreeable odor in the atmosphere or annoy inhabitants in the immediate locality;~~
- ~~(3) Cause damage to property; or~~
- ~~(4) Have a deleterious effect upon trees, plants or other forms of vegetation.~~

~~(b) No person shall operate or maintain, or cause to be operated or maintained, any equipment or device which, by its operation, will cause the emission of dust, gas, fumes, mist, vapor, smoke or odors without maintaining and operating efficiently, while using such equipment or device, such equipment, means, methods, devices or contrivances to reduce the quantity of dust, gas, fumes, mist, vapor, smoke or odors emitted into the open air, which shall be operated in conjunction with the equipment or device so that the quantity of dust, gas, fumes, mist, vapor, smoke or odors emitted into the open air does not violate subsection (a) hereof. (1980 Code Sec. 97.07)~~

~~(c) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor.~~

~~(d) In addition to the penalty provided in subsection (c) hereof, upon the failure of any person to comply with an order of the Building and Zoning Commissioner, or his or her duly authorized deputy, with regard to the abatement of any nuisance described in this section, which order is issued under authority of Chapter 531, the Building and Zoning Commissioner, or any person designated by him or her, shall be authorized to enter upon the premises and abate the nuisance. In abating a nuisance, the Building and Zoning Commissioner may take such action as is necessary to complete the abatement at the best price obtainable. The Building and Zoning Commissioner shall make a written report to the County Auditor of his or her action with a statement of the charges for the services, the amount paid for labor, and a proper description of the premises. These amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon the lands from and after the date of entry, and shall be collected as other taxes and returned to the City with the General Fund. (Ord. 3939. Passed 6-10-80.)~~

#### ~~521.13 ABATEMENT OF NUISANCE WEEDS AND GRASS.~~

~~(a) It is hereby found and determined that noxious weeds that are spreading or are about to spread mature seeds and noxious weeds and turf grasses that are 10 or more inches in height constitute a health hazard and public nuisance. No owner, occupant or other person or business entity having charge of land within the City, shall permit conditions hereby declared to constitute a nuisance to exist on such property. As used in this section, "noxious weeds" means one or more specimens of any botanical species classified as a noxious weed by the Ohio Department of Agriculture.~~

~~(b) The City Administrator shall designate one or more municipal employees to abate conditions constituting a nuisance under the standards established by subdivision (a) of this section. Employees so designated are authorized to enter~~

~~on any lot or parcel of land on which conditions constituting such nuisance as defined by subdivision (a) are observed to exist for the purpose of abating such nuisance provided, however, that no such entry shall be made unless the employee is then wearing a uniform prescribed by the City Administrator and displaying an identification badge attesting to his or her official capacity. Written notice describing the nuisance condition and requiring that it be abated by proper mowing of the premises within 5 days shall be personally delivered to the owner, occupant or other person having charge of the premises if present. If no competent adult having charge of the premises is present, the notice shall be conspicuously posted on the premises. The notice shall be given in writing on forms prescribed by the City Administrator and shall describe the nuisance condition, the abatement action required and the date by which the condition must be abated to avoid abatement by the Municipality.~~

~~(c) Any person required to take action by reason of a notice is served in accordance with subdivision (b) may contest the nuisance abatement officer's determination that seeding plants or plants greater than 10 inches in height are noxious weeds or turf grass by appealing that determination to the City Administrator prior to the date on which compliance is required and/or seek an extension of time within which to abate the nuisance by requesting such extension from the City Administrator. Allowance of an extension of time shall be at the discretion of the City Administrator. In the event an appeal of a determination that seeding plants or plants greater than 10 inches in height are noxious weeds or turf grass, the City Administrator shall refrain from taking further action to abate the nuisance until such time as the person making such appeal is afforded an opportunity to be heard regarding the characterization of the plants to be cut or removed. The City Administrator's determination of the applicability of this section to the plants in question shall constitute a final and appealable administrative determination.~~

~~(d) In the absence of an appeal or allowance of an extension of time pursuant to subdivision (c), the premises subject to a notice issued in accordance with subdivision (b) shall be inspected during customary business hours on the 6th, 7th or 8th calendar day following the date on which the notice was delivered or posted. If the premises are then found to constitute a nuisance under the standards of subdivision (a), the employee designated to abate the nuisance or municipal employees working under the nuisance abatement officer's direction shall proceed to cut and/or remove plants as necessary to bring the premises into compliance with the standards of subdivision (a) of this section.~~

~~(e) In the event action is taken in accordance with subdivision (d) to abate a condition declared to be a nuisance in accordance with this section, the owner, occupant or other person or business entity having charge of the premises shall be assessed a minimum fee of \$85.00 plus any actual costs incurred to repair equipment damaged in the course of performance of the work. In addition, a record shall be kept of the number of man-hours required to abate the nuisance and in the event more than three quarters of one man hour is required, an additional charge shall be added to the minimum service fee hereby established. The additional charge shall be computed at the rate of \$130.00 per man hour for all time required in excess of three quarters of one man hour.~~

~~For purposes of this computation, time spent traveling to and from the premises shall be included and the total time shall be calculated in quarter hour increments. Charges levied pursuant to this section shall be paid within 30 days and if not timely paid shall be deemed a utility service charge and added to the following month's bill for water, sewer, and refuse collection services furnished the premises. Thereafter, nonpayment of the balance shall be grounds for termination of water and refuse collection services in accordance with procedures generally established for non-payment of utility service charges.~~

~~(f) Violation of subdivision (a) of this section shall be punishable as a minor misdemeanor. If the charging citation alleges and the Court finds that the prosecution is based on the failure of the accused to abate a nuisance within the time required by a notice delivered or posted in conformity with subdivision (b), violation of subdivision (a) of this section shall be punishable as a misdemeanor of the fourth degree, and the Court shall order payment of restitution to the Municipality in the amount of all service fees the Court determines to be due and owing in accordance with subdivision (e) as part of any sentence imposed upon conviction.~~

~~(g) Nothing contained in this section shall be construed to extinguish or restrict the exercise of any statutory power the municipal government may have to certify expenses incurred to abate a nuisance to the County Auditor for collection or any right the government may have under general law to pursue a civil action for recovery of such sums. (Ord. 7272. Passed 4-19-11.)~~

Section 2: Chapter 531 of the Codified Ordinances and Sections 531.01, 531.02, 531.03, 531.04 and 531.05 thereof are hereby repealed. This repeal shall not affect any judicial proceeding commenced prior to the effective date of this Ordinance and predicated, in whole or in part, on any act or omission alleged to have been committed, or on any condition alleged to have been in existence, in violation of said sections during the time said Chapter 531 and Section 531.01, 531.02, 531.03, 531.04 and 531.05 were in effect.

Section 3: Chapter 1317 of the Codified Ordinances, consisting of Section 1317.01 through 1317.14, inclusive, and Section 1317.99 is hereby enacted as follows:

CHAPTER 1317  
Nuisances, Dangerous Premises and Abatement

1317.01 NUISANCE PROHIBITED; DEFINED.

No person or entity shall cause or permit a public nuisance to be or remain in or upon any structure, premises or other place, of which that person or entity is the owner, lessee, tenant or occupant.

As used in this Chapter, "public nuisance" means a condition that exists when:

- (a) Any structure is so out of repair and dilapidated that, if it were permitted to remain, would endanger the life, limb, or property of persons or property upon the public streets or public ways adjacent thereto by reason of the collapse of such building or structure or by the falling of objects therefrom; or
- (b) Any tree, stack or other object standing upon property is in such condition that, if it were permitted to remain, would endanger the life, limb or property of persons or property upon the public streets or public ways adjacent thereto by the falling of objects therefrom; or
- (c) Any excavation or cellar upon property is unguarded or remains in such condition that, if it were permitted to remain, would endanger the life, limb or property of persons or property upon the public streets or public ways adjacent thereto, by falling or being cast therein; or
- (d) Any accumulation of earth, rubbish or other materials which attract and propagate vermin, rodents, or insects that endanger the public health; or
- (e) Any accumulation of rubbish, refuse or waste materials, including tires, that, by reason of its location and character, is unsightly and interferes with the reasonable enjoyment of property by neighbors, detrimentally affects property values in the surrounding neighborhood or community, or materially interferes with the prevention or suppression of fire upon the premises;
- (f) Any structure is so out of repair that it constitutes a fire hazard because of its condition. For purposes of this subsection, a building that is vacant, unguarded or open at doors or windows, shall be deemed a fire hazard; or
- (g) There is accumulation in any structure or on any property of rubbish or other materials in an amount and in a condition that constitutes a fire hazard by reason of the likelihood of its catching on or communicating fire; or
- (h) Any structure that has been damaged by a fire and is allowed to remain in such condition for at least ninety days, unless the Fire Chief has approved, in writing, a plan and timeline for reconstruction of the structure; or
- (i) The conduct of any activity on any property which by reason of noxious odors generated thereby, or of smoke, dust and dirt being cast therefrom, is harmful to the public health, welfare or safety, or materially interferes with the peaceful and lawful use, comfort and enjoyment of owners or occupants of a proximate property; or
- (j) The presence on any premises of a botanical species classified as a noxious weed by the Ohio Department of Agriculture that exceeds ten inches in height or that, regardless of height, is spreading or about to spread mature seeds; or,



(k) The presence on any premises of turf grasses exceeding ten inches in height; or

(l) Any structure becomes so out of repair and dilapidated that, due to lack of adequate maintenance or neglect, it becomes unsafe for occupancy, endangers the public health, welfare, or safety of occupants, or causes such a condition of blight that it materially interferes with the peaceful enjoyment and lawful use of owners or occupants of a proximate property; or

(m) The conduct of any activity on any property that generates loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others; or

(n) There is an accumulation of any dirt, filth, rubbish, garbage, waste, leaves or clippings, boxes, or any other matter of an unsightly or unsanitary nature, in such a manner that such matter could become dangerous to the public health, comfort and safety of others, that such matter could be blown into any street, alley, park, public ground, sidewalk, or property of another, or such matter could be deposited into any plumbing fixture that it may obstruct or render unwholesome any sanitary sewer or watercourse; or

(o) Any structure, fence, wall, shed, house, swimming pool, any part of any of the foregoing; or any pole or smoke stack; or any excavation, basement, cellar, sidewalk subspace, wharf or dock, which in its entirety or in any part thereof, by reason of the condition in which the same is permitted to be or remain, shall or may endanger the health, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, depreciation, damage, or injury to any one or more persons or to any other property in the City; or

(p) Any swimming pool, pond or other body of water that is abandoned, unattended, unfiltered, or otherwise not maintained, resulting in the water becoming polluted by bacterial growth, algae, remains of insects, remains of deceased animals, reptiles, rubbish, refuse, debris, or any other material, which, because of its location, becomes an unhealthy, unsafe or unsightly condition; or

(q) Any appliance, such as refrigerators, with a capacity of one and one-half cubic feet or more and an opening of fifty square inches and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid, which is abandoned, discarded or knowingly permitted to remain on premises in a place accessible to children; or

(r) Leaving any putrid substances on any lot or land, or failing to remove all obstructions from culverts, covered drains or antral watercourses as provided in Ohio Revised Code 715.47; or

(s) Failing to keep sidewalks in repair and free from snow, ice, or other obstructions; or

(t) Any condition that violates any of the maintenance standards set forth in Sections 1339.01, 1339.02 or 1339.03 of the Defiance Codified Ordinances; or

(u) Any dangerous structure as defined in Section 1339.04 of the Defiance Codified Ordinances; or

(v) Any dangerous structure which, because of its condition, is unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the City; or

(w) The storage of any junk car on any premises. As used in this subsection, "junk car" means any unlicensed motor vehicle or any used vehicle propelled or intended to be propelled by power other than human power and which is in an inoperative or partially dismantled condition. As used in this subsection, "inoperative condition" means incapable of being propelled under its own power in its present condition, and "partially dismantled condition" means that some part of a motor vehicle is missing, which part is ordinarily an essential component of the motor vehicle. This subsection shall not apply to vehicles in an enclosed building, to commercial garages, repair shops or used car dealers or to

operators of junkyards appropriately licensed and in compliance with the Business Regulation Code; or

(x) Any condition exists which has been declared a public nuisance by common law or the Ohio Revised Code.

#### 1317.02 COMPLAINTS; INSPECTION OF PREMISES

(a) Whenever a complaint is made or visual inspection discloses to the City Administrator or designee of the existence of a public nuisance as defined in Section 1317.01, the City Administrator or designee shall promptly inspect, or cause to be inspected by the Fire Chief, the premises on which it is alleged such public nuisance exists.

(b) For the purpose of enforcing this Chapter, the City Administrator or designee is authorized, at any reasonable time, to enter upon and inspect any premises or property within the City when there is a reasonable cause to believe that a public nuisance, as defined in this Chapter, exists.

(c) If either the City Administrator or designee, or the Fire Chief, find that a public nuisance exists and that it should be abated, abatement of such nuisance shall proceed in accordance with the provisions of Section 1317.03 or 1317.04 below.

#### 1317.03 ABATEMENT OF NUISANCES STANDARD ABATEMENT

(a) Should the City Administrator or designee, or the Fire Chief, find that a public nuisance as defined in Section 1317.01 exists, the City Administrator or a designee shall cause photographs of such nuisance to be made. The City Administrator or a designee shall serve a standard notice of violation conforming to the requirements of subparagraph (b) of this Section on each person and legal entity identified by the records of the Defiance County Auditor as being responsible for the payment of ad valorem property taxes levied upon the real estate upon which said nuisance is found in a manner authorized by subdivision (d) of this Section. The City Administrator or designee may also send the standard notice of violation to the lessee, tenant or occupant of the premises.

(b) The standard notice of violation shall: (i) describe the premises on which the public nuisance has been found to exist with reasonable certainty; (ii) describe the conditions constituting the public nuisance; (iii) state that the person or entity served with the standard notice of violation has seven calendar days in which to take one of the actions described in subparagraph (c) of this Section; (iv) state whether the City Administrator or designee, or the Fire Chief, finds the public nuisance to constitute an emergency; (v) describe the remediation necessary to abate the public nuisance, which may include repair, rehabilitation and/or vacation of the premises; and (vi) specify the actions to be taken by the City pursuant to this Chapter upon failure to take one of the actions described in subparagraph (c) of this Section within the seven-day time limitation.

(c) Standard Notice of Violation. In cases in which demolition is not required for abatement, a person or entity served with a standard notice of violation shall have seven calendar days from receipt of the notice of violation to take one of the following actions: (i) fully and completely abate the public nuisance; (ii) work out a schedule, satisfactory to the City Administrator or designee, for the nuisance abatement, with sufficient surety acceptable to the City to guarantee completion on schedule; or (iii) appeal the determination of the City Administrator or designee of the existence of a public nuisance and/or the remedy required to the Nuisance Abatement Board by filing a written notice of appeal with the City Administrator or designee. If a person or entity served with a standard notice of violation commences an appeal to the Nuisance Abatement Board in accordance with this Section, the Board shall affirm, reverse, or modify the determinations made by the City Administrator or designee. For purposes of this subsection, "sufficient surety acceptable to the City to guarantee completion on schedule" affords the City the sole discretion to select the necessary surety, which may include but not be limited to a cash bond or letter of credit.

(d) The standard notice of violation may be served by any of the following methods: (i) hand delivery; (ii) posting a notice of violation on the subject premises; (iii) sending certified and ordinary U.S. Mail, addressed to the usual place of residence or customary place of business of the person or entity being served, as indicated by current tax records of the Defiance County Treasurer or the real property records of the Defiance County Recorder.

(e) If no party served with a standard notice of violation takes appropriate action to abate the nuisance, makes arrangements for later abatement of the nuisance that are acceptable to the City Administrator, or institutes an appeal of the standard notice of violation to the Nuisance Abatement Board within seven calendar days following receipt of the standard notice of violation, the City

Administrator or designee is authorized to take immediate action to abate the nuisance. In the exercise of this authority the City Administrator may direct municipal employees to enter upon the premises and perform the remediation work described in the standard notice of violation or may engage one or more contractors to enter upon the premises and perform the remediation work described in the standard notice of violation provided, however, that all expenditures required to engage the services of a contractor are approved in the manner required by Codified Ordinance 151.02. Alternatively, the City Administrator may commence appropriate legal or administrative proceedings. In the event the City Administrator determines to institute civil or criminal judicial proceedings or to pursue administrative remedies, the Law Director is authorized to commence such actions without further authorization by Ordinance.

#### 1317.04 ABATEMENT OF NUISANCES ABATEMENT BY DEMOLITION

(a) Should the City Administrator or designee, or the Fire Chief, find that a public nuisance as defined in Section 1317.01 exists, and that abatement by demolition may be required, the City Administrator or a designee shall cause photographs of such nuisance to be made. As otherwise permitted in the City's Charter and Ordinances, the City Administrator or designee shall have the express authority to engage any engineers or consultants to evaluate the need for demolition in a particular case.

(b) The City Administrator shall cause a thorough examination of the records of the Defiance County Auditor, Clerk of Courts, Recorder and Treasurer to be made and shall identify all persons and entities in possession of a legal interest of record in the real estate upon which the public nuisance is found to exist. The City Administrator shall serve a demolition notice of violation conforming to the requirements of subparagraph (c) of this Section on each person and entity possessing an interest of record in the real estate. Service shall be made in conformity with the requirements of subparagraph (d) of this Section.

(c) Contents of a Demolition Notice of Violation. The demolition notice of violation shall: (i) describe the premises on which the public nuisance has been found to exist with reasonable certainty; (ii) describe the conditions constituting the public nuisance; (iii) specify that an owner has thirty calendar days within which to either fully and completely abate the nuisance via demolition or work out a schedule, satisfactory to the City Administrator or designee, or the Fire Chief, for the demolition, with sufficient surety acceptable to the City to guarantee timely completion of the abatement according to schedule; and (iv) inform the interested parties of the date and time of the pre-scheduled adjudicatory hearing date before the Nuisance Abatement Board ("NAB"). The hearing date shall be set no less than thirty calendar days after the date of the demolition notice of violation. The NAB shall affirm, reverse, or modify the determinations made by the City Administrator or designee, or Fire Chief, in the demolition notice of violation, including the existence of the public nuisance and the demolition remedy deemed necessary by the City Administrator or designee, or Fire Chief. For purposes of this subsection, "sufficient surety acceptable to the City to guarantee completion on schedule" affords the City the sole discretion to select the necessary surety, which may include but not be limited to a cash bond or letter of credit.

(d) The demolition notice of violation shall be served by either hand delivery, or both the posting of a notice of violation on the subject premises and via certified and ordinary U.S. Mail, addressed to the usual place of residence or principal place of business of each person and entity entitled to receive the notices of violation, as indicated by current tax records of the Defiance County Treasurer or the real property records of the Defiance County Recorder. Judgment lien holders shall be served at the address last known to the Clerk of Courts. Tenants and other persons in possession of the premises shall be served at the premises that are subject to the abatement proceeding.

(e) The final decision of the Nuisance Abatement Board regarding demolition shall be delivered to all persons entitled to notice in accordance with subparagraph (b) of this Section via hand delivery, or via certified and ordinary U.S. mail, and a copy of the final decision shall be posted on the subject premises. Upon the decision of the Nuisance Abatement Board determining that demolition is required for abatement of a nuisance, the City Administrator is authorized to abate the nuisance through demolition through such legal or administrative channels as are deemed most appropriate or through use of either City or private labor to effect the necessary nuisance abatement.

#### 1317.05 NUISANCE ABATEMENT BOARD; FILING OF APPEAL

(a) The Nuisance Abatement Board ("NAB") is hereby established and shall be comprised of three disinterested citizens of the City who shall be appointed by the Mayor and confirmed by Council.

(b) The NAB may, by a majority vote of its entire membership, organize and adopt bylaws for its own governance provided they are consistent with the law and with any ordinances of the City. This shall also include the appointment of a secretary who shall be responsible for keeping minutes and all other papers related to proceedings of the NAB.

(c) The NAB may adopt all procedural rules as may be necessary or beneficial for the conduct of its hearings.

(d) The NAB may affirm, reverse, or modify the finding of a public nuisance and the issuance of the abatement order, including a demolition order, by a majority vote. Upon timely appeal, it shall have jurisdiction to review all notices of standard violations issued under Section 1317.03 and all demolition notices of violation issued under Section 1317.04.

(e) The NAB shall meet as necessary. A majority of its members must be present to conduct a hearing.

(f) Any notice of appeal of a standard notice of violation must be made in writing and delivered to the City Administrator on or before seven calendar days after the date on which the standard notice of violation was served. An appeal of a standard notice of violation may only be initiated by the owner to whom the standard notice of violation is directed, or by the owner's attorney. The notice of appeal must include a written statement requesting a hearing signed by the owner or adversely affected party or by that party's attorney, a copy of the notice of violation being appealed, and a brief statement as to why they believe the standard notice of violation should be reversed or modified.

#### 1317.06 HEARING PROCEDURE BEFORE THE NUISANCE ABATEMENT BOARD

(a) The hearing for an appeal of a standard notice of violation shall occur not less than ten calendar days nor more than sixty calendar days after the City Administrator's receipt of the notice of appeal. The hearing for the review of a demolition notice of violation shall occur on the date specified in the demolition notice of violation.

(b) The hearing before the NAB shall be an evidentiary hearing and shall be open to the public. At all hearings conducted pursuant to this section, any party may be represented by legal counsel. The rules of evidence utilized by courts shall not be applicable in hearings before the NAB. The NAB is empowered to subpoena witnesses and take testimony under oath.

(c) Aside from representatives or agents of the City with knowledge of the alleged public nuisance, only individuals to whom a standard notice of violation or a demolition notice of violation have been addressed, or their attorneys, have the right to participate in an appeal or review before the NAB. The NAB, however, may, within its discretion, hear from other witnesses with knowledge of alleged nuisance, such as owners or occupants of adjacent or neighboring properties.

(d) Within thirty calendar days after the evidentiary hearing, the NAB shall issue a written decision containing findings of fact and a conclusion as to whether the decision of the City Administrator or designee, or the Fire Chief, as set forth in a notice of violation shall be affirmed, reversed, or otherwise modified in whole or in part. All decisions by the NAB shall be in writing. The decision may authorize action by the City Administrator or designee, on behalf of the City, to abate the nuisance, including through demolition. Action by the City Administrator or designee shall be through such legal or administrative channels as are deemed most appropriate or through use of either City or private labor to abate the nuisance, including through demolition.

(e) A copy of the NAB's decision shall be mailed via certified mail and via regular U.S. Mail, to the last known address of the owner or interested party who participated in the hearing. It shall be the responsibility of every owner and interested party to keep the NAB apprised of his or her current mailing address. For purposes of appeal pursuant to Chapter 2506 of the Ohio Revised Code, the final decision will be deemed to have been entered on the date that the NAB's decision is mailed.

(f) If the NAB affirms the findings in a demolition notice of violation, no demolition by the City shall take place sooner than thirty calendar days after the date of the NAB's decision.

#### 1317.07 ABATEMENT BY CITY; COSTS AND ASSESSMENT

(a) Should the public nuisance not be abated as provided in the notice given pursuant Section 1317.03 or 1317.04, the City Administrator or designee shall have the right to enter upon the premises to abate such public nuisance. In abating any public nuisance, the City Administrator or designee may take such action as is necessary to complete the abatement of the same and should it be practicable to sell or salvage any material resulting from such abatement, the City Administrator may cause the same to be sold at public or private sale at the best price obtainable and keep an account of the proceeds thereof. Such proceeds shall be deposited in the General Fund of the City and any difference in the amount so received and the cost of the abatement shall be reported to Council, which shall levy an assessment against the premises upon which such nuisance was abated and cause such assessment to be certified and collected as other assessments by the City.

(b) Should the proceeds of the sale of any material salvaged in the course of such abatement exceed the cost thereof, the amount of such excess shall be paid to the owner of the premises upon filing a claim thereof and proof of title and right to such surplus.

(c) The City Administrator or designee may utilize any labor or equipment of the City in making such abatement or the City Administrator may contract privately for the abatement of the nuisance provided that Council authorizes the expenditures of such funds.

(d) Any and all expenses or costs incurred under this Chapter for the abatement, including removal, repair, alteration, securing, boarding, or demolition of a building or structure shall be paid by the owner of the land and/or responsible person as provided in Ohio Revised Code 715.261. If the owner and/or other responsible person fails to pay for the costs within thirty days after receipt of notice from the City Administrator of a statement of the charges and costs incurred, the City Administrator may certify such amount to the Finance Director. The Finance Director shall promptly make a written return to the Defiance County Auditor of the action under this section with a statement of the total costs and expenses, the amount credited for salvage, if any, and a proper legal description of the premises. Certification to the County Auditor is for the purpose of making such costs and expenses a lien upon the property, to be collected as other taxes and returned to the City with accounting thereof in accordance with Ohio Revised Code 715.261.

(e) As an alternative method to that in Section 1317.07(d), any expenses incurred by the City for nuisance abatement under this Chapter may be deemed a utility service charge and added to the following month's bill for water, sewer and refuse collection services furnished the premises. Thereafter, nonpayment of the balance shall be grounds for termination of water and refuse collection services in accordance with procedures generally established for non-payment of utility service charges.

#### 1317.08 EMERGENCY ABATEMENT

(a) Whenever a public nuisance exists as defined in Section 1317.01 and the nature thereof constitutes an emergency as defined in subparagraph (b) of this Section, the City Administrator or designee may take immediate action to abate the nuisance and such abatement may take place without prior notice to the titled owner of the premises on which the public nuisance exists. Notice of the action taken to abate the nuisance shall immediately be sent to the titled owner by certified mail with a return receipt requested and posted on the premises.

(b) As used in this section, "emergency" means an unforeseen combination of circumstances that calls for immediate action in order to preserve the public health, safety, welfare, or property against an imminent risk of physical harm.

(c) In any proceeding pursuant to this section, the determination that a public nuisance exists and constitutes an emergency as defined in subparagraph (b) of this Section shall be made solely by the City Administrator or the Fire Chief. As otherwise permitted in the City's Charter and Ordinances, the City Administrator or designee shall have the express authority to engage any engineers or consultants to evaluate the need for emergency abatement.

#### 1317.09 AUTHORITY OF CITY

This Chapter shall be deemed to be an enlargement and not a limitation or restriction on the power or authority of the City or any officer thereof to take action or bring any suit or proceeding in respect to public nuisances otherwise provided for by law or ordinance of the City.

#### 1317.10 UNLAWFUL INTERFERENCE PROHIBITED

No person shall interfere with any municipal officer, designee, assistant, subordinate, employee or agent while they are engaged in or carrying out the abatement of a nuisance as set forth in this Chapter.

#### 1317.11 DEMOLITION AND LIEN AGREEMENT; COSTS

(a) Notwithstanding and in addition to all sections of this Chapter, the City Administrator is authorized to enter into an Abatement, Demolition and Lien Agreement with the approval of a property owner or other responsible person to abate any public nuisance as defined in Section 1317.01.

(b) In the event an Abatement, Demolition and Lien Agreement is executed by the City Administrator and the property owner under this Section, no further notice is required to be given to the property owner regarding the nuisance and its abatement.

(c) Any and all expenses or costs incurred under this Chapter for nuisance abatement, including the removal, repair, alteration, securing or boarding of a building or structure shall be paid by the owner of the land and/or other responsible person as provided in Ohio Revised Code 715.261, which amount shall be included in the Abatement, Demolition and Lien Agreement. Counsel for the City is then authorized to certify the costs described herein to the Defiance County Auditor for the purpose of making such costs and expenses a lien upon the property, to be collected as other taxes and returned to the City with accounting thereof in accordance with Ohio Revised Code 715.261. In addition, and as an alternative method of obtaining payment of such expenses and costs, City may deem those expenses a utility service charge and collect them as provided in Section 1317.07(e).

#### 1317.12 FIRE DAMAGED STRUCTURE

(a) The City adopts the provisions of Ohio Revised Code 3929.86 where applicable and shall follow the procedures established herein and whereby in certain specified situations insurance proceeds recoverable for fire-damaged structures shall be deposited with the City to secure the cost and expenses incurred by the City for removal, repairs or securing of fire-damaged buildings or structures on the property pursuant to the Ohio Revised Code.

(b) The Finance Director is hereby designated as the officer of the City authorized to carry out duties of municipal officers under Ohio Revised Code 3929.86 and shall perform all duties in compliance therewith, including the establishment of a special fund known as the Fire Damaged Structures Account, Insurance Proceeds, and shall receive therein and disburse therefrom funds in accordance with the provisions of Ohio Revised Code 3929.86.

#### 1317.13 ADMINISTRATIVE LIABILITY

No officer, agent or employee of the City shall be rendered personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of duties under this Chapter. Any suit brought against any officer, agent or employee as a result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the Director of Law or the insurance carrier until final determination of the proceedings therein.

#### 1317.14 SEPARABILITY

It is the intention of Council that each separate provision of this Chapter shall be deemed independent of all other provisions herein, and it is further the intention of Council that if any provision of this Chapter is declared invalid, all other provisions hereof shall remain valid and enforceable.

#### 1317.99 PENALTY

(a) The owner, tenant, business, or person in control of property that is deemed a public nuisance, as defined in this Chapter, who fails or refuses to comply with any notice or order to repair, vacate or demolish the public nuisance given by any person authorized by this Chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day that such public nuisance is permitted to exist after the time specified for the abatement thereof by the owner or occupant in any notice as provided for in this Chapter.

(b) Any owner, tenant, business, or person who has pleaded guilty or been convicted of an offense under any provision of this Chapter, or a substantially equivalent offense in another jurisdiction, within the previous five years shall be guilty of a misdemeanor of the third degree, punishable as provided in Section 501.99.

(c) Whoever violates the provisions of Section 1317.09 shall be guilty of a misdemeanor of the second degree, punishable as provided in Section 501.99.

Section 4: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

Section 5: This Ordinance shall be effective on the earliest date permitted by law.

Passed: August 8 \_\_\_\_\_, 2017

Michael Ketcham \_\_\_\_\_  
President of Council

Attest: Lisa Elders \_\_\_\_\_, Clerk

Approved: August 8 \_\_\_\_\_, 2017

Michael McCann \_\_\_\_\_  
Mayor

ORDINANCE NO. 7936

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE DEFIANCE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: That the ordinances of the City of Defiance, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2015 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

Section 2: That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Traffic Code

301.19	Motorcycle. (Amended)
303.081	Impounding Vehicles on Private Residential Property. (Amended)
303.082	Tow Away Zones. (Amended)
331.45	Vehicular Operation on Street Closed Due to Rise in Water Level. (Added)
335.031	Driving With Probationary License; Curfew. (Amended)
335.072	Driving Under Financial Responsibility Law Suspension or Cancellation. (Amended)
335.074	Driving Under License Forfeiture or Child Support Suspension. (Amended)
335.09	Display of License Plates. (Amended)
335.10	Expired or Unlawful License Plates. (Amended)
341.01	Definitions. (Amended)
341.03	Prerequisites to Operation of a Commercial Vehicle. (Amended)
341.05	Criminal Offenses. (Amended)
341.06	Employment of Drivers of Commercial Vehicles. (Amended)
351.04	Parking Near Curb; Handicapped Parking. (Amended)
373.02	Riding Upon Seats; Handlebars; Helmets and Glasses. (Amended)

General Offenses Code

501.07	Requirements For Criminal Liability. (Amended)
501.08	Culpable Mental States. (Amended)
521.08	Littering and Deposit of Garbage and Junk. (Amended)
529.07	Open Container Prohibited. (Amended)
549.01	Weapons Definitions. (Amended)
553.03	Duties of Locomotive Engineer. (Amended)

Fire Prevention Code

1511.01	Open Burning Definitions. (Amended)
1511.03	Open Burning in Restricted Areas. (Amended)
1511.04	Permission to Individuals and Notification to the Ohio EPA. (Amended)

Section 3: That the complete text of the sections of the Codified Ordinances listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. The listing above of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

Section 4: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, where conducted in Public Session duly convened in accordance with law.



Section 5: That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the City and its inhabitants for the reason that there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of the City, so as to facilitate administration, daily operation and avoid practical and legal entanglements. As such, this Ordinance shall be effective upon passage by a 3/4th majority of Council and approval of the Mayor.

Michael Ketcham  
President of Council

Passed: August 8, 2017

Approved: August 8, 2017

Attest: Lisa Elders, Clerk

Mayor: Michael McCann

# ORDINANCE NO. 7937

## AN ORDINANCE AUTHORIZING A CONTRACT WITH MS CONSULTANTS, INC. FOR PROFESSIONAL ENGINEERING AND DESIGN SERVICES

**WHEREAS**, the City has identified a compelling need to reconstruct College Place between the points of intersection with Clinton Street and Webster Street; and,

**WHEREAS**, water distribution, sewage collection and drainage facilities located within the College Place right-of-way must be redesigned and reinstalled to assure cost effective reconstruction of the street and achieve compliance with Clean Water Act requirements relating to the elimination of combined sewer overflows,

**WHEREAS**, city officials have nominated the proposed drainage and sewerage improvements for funding by the Water Pollution Control Loan Fund on an interest free basis; and

**WHEREAS**, City officials properly employed statutory qualifications-based selection processes to select MS Consultants, Inc., as the most qualified consultant to provide the required design services from among those responding to the solicitation; and,

**WHEREAS**, City officials have negotiated appropriate terms for the performance of the required services on a time and expense basis and at an estimated cost of not more than \$171,111.15;

**Now therefore**, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

**Section 1:** The City Administrator is authorized to award a contract to MS Consultants, Inc., to perform all services described by the proposal entitled "College Place Scope and Fee Proposal" on file in the office of the City Engineer on the terms of service and at the prices recited therein. Said contract shall be executed on forms approved by the City Law Director and shall conform to all statutory and constitutional requirements.

**Section 2:** The Finance Director is authorized to pay all costs arising under the terms of the authorized contract from appropriated funds allocated for expenditure by Lines 403-901-5-2-979-091 and 589-011-5-2-977-080 of the 2017 annual budget.

**Section 3:** It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

**Section 4:** This Ordinance shall be effective on the earliest date permitted by law.

Passed:  
August 8, 2017

Michael Ketcham  
President of Council

Attest: Lisa Elders, Clerk

Michael McCann  
Mayor

Approved: \_\_\_\_\_  
August 8, 2017

# ORDINANCE NO. 7938

## AN ORDINANCE AUTHORIZING A CONTRACT WITH JONES & HENRY ENGINEERS, LTO AND DECLARING AN EMERGENCY

**WHEREAS**, Reconstruction of the anaerobic digesters at the Water Pollution Control treatment works is necessary to achieve compliance with building code standards, correct deficiencies that have created an explosion hazard in the South digester and prevent like-kind failure of the North digester; and,

**WHEREAS**, Ordinance 7931 authorized engagement of Mosser Construction, Inc., to design and build the improvements needed to restore the South digester to service and prevent failure of the North digester; and,

**WHEREAS**, Ordinance 7931 mistakenly recited that AECOM participated in the design of the improvements as the criteria engineer when, in fact, AECOM participated as an advisor to Mosser Construction, Inc.; and,

**WHEREAS**, §153.65(1) and related provisions of the Ohio Revised Code require execution of the design and build contract authorized by Ordinance 7931 to be overseen by a criteria engineer that is unaffiliated with the design and build contractor; and,

**WHEREAS**, Jones & Henry Engineers, Ltd. has been selected as the most qualified respondent to perform the required services; and,

**WHEREAS**, Jones & Henry Engineers, Ltd. proposed to perform the required services on a time and expense basis and at a total cost of not more than \$38,177.00;

**Now therefore**, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

**Section 1:** The City Administrator is authorized to award a contract to Jones & Henry Engineers, Ltd., for performance of the statutory duties of criteria engineer on the terms and conditions of service recited in the proposal dated July 25, 2017.

**Section 2:** The City Finance Director is authorized to pay costs incurred pursuant to the contract authorized by Section 1 from Line 590-540-5-2-973-004 of the annual budget.

**Section 3:** It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

**Section 4:** This Ordinance is declared to be an emergency measure necessary to preserve the health and safety of the community for the reason that prompt reconstruction of the South digester is required to minimize the risk that the Water Pollution Control Treatment Works will be disabled by failure of the North digester prior to completions of repairs to the disabled South digester, minimize risks to the safety of municipal employees and minimize the risk of explosion from ignition of methane gas. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: August 8, 2017

Michael Ketcham  
President of Council

Votes in Favor of Adoption: 6

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approve: August 8, 2017

Michael McCann, Mayor

ORDINANCE NO. 7939

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$150,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF ACQUIRING AN AMBULANCE, INCLUDING RELATED EQUIPMENT AND APPARATUS, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 7844, enacted on August 23, 2016, there were issued \$200,000 of notes (the Outstanding Notes) in anticipation of bonds for the purpose stated in Section 1 as part of a consolidated issue of \$2,205,000 Various Purpose Notes, Series 2016, which Outstanding Notes mature on September 21, 2017; and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the City; and

WHEREAS, the Finance Director, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 20 years and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is September 21, 2031;

NOW, THEREFORE, BE it enacted by the Council of the Municipality of Defiance, that:

Section 1. Authorized Principal Amount of Anticipated Bonds and Purpose. It is necessary to issue bonds of the City in the aggregate principal amount of \$150,000 (the Bonds) for the purpose of paying costs of acquiring an ambulance, including related equipment and apparatus, together with the necessary appurtenances thereto.

Section 2. Estimated Bond Terms. The Bonds shall be dated approximately August 1, 2018, shall bear interest at the now estimated rate of 4% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 10 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2019.

Section 3. Authorized Principal Amount of Notes; Dating; Interest Rate. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$150,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds and to retire, together with other funds available to the City, the Outstanding Notes. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that the Finance Director may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date not later than one year from the date of issuance by setting forth that maturity date in the certificate signed in accordance with Section 6 (the Certificate of Award). The Notes shall bear interest at a rate not to exceed 4% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by the Finance Director in the Certificate of Award.

Section 4. Payment of Debt Charges; Paying Agent. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America, without deduction for services of the City's paying agent, at the designated corporate trust office of The Huntington National Bank or at the designated corporate trust office or other office of a bank or trust company designated by the Finance Director, after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose, or at the office of the Finance Director if agreed to by the Finance Director and the Original Purchaser (as defined in Section 6) (the Paying Agent).

Section 5. Execution of Notes; Book Entry System. The Notes shall be signed by the Mayor and the Finance Director, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the Original Purchaser and approved by the Finance Director in the Certificate of Award. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Finance Director will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Finance Director that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Finance Director and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this section and this Ordinance:

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes “immobilized” in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Finance Director may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Finance Director does not or is unable to do so, the Finance Director, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable to order form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Finance Director is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. Award and Sale of the Notes. The Notes shall be sold at not less than par plus accrued interest to the original purchaser designated by the Finance Director in the Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Ordinance. The Finance Director shall sign the Certificate of Award evidencing the sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true

transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the City Administrator, the Finance Director, the Law Director, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Finance Director is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

The Finance Director is authorized to request a rating for the Notes from one or more nationally-recognized rating agencies in connection with the sale and issuance of the Notes. The expenditure of the amounts necessary to secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Notes is authorized and approved, and the Finance Director is authorized to provide for the payment of any such amounts and costs from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 7. Application of Note Proceeds. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. Provisions for Tax Levy. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due. In each year, to the extent other funds are available for the payment of debt charges on the Notes and Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of other funds so available and appropriated.

Section 10. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Finance Director, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation or treatment of the Notes as “qualified tax-exempt obligations” if such designation or treatment is applicable and desirable, and to make any related necessary representations and covenants), choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Each covenant made in this section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes.

Section 11. Certification and Delivery of Ordinance. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance to the Defiance County Auditor.

Section 12. Satisfaction of Conditions for Note Issuance. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 13 Retention of Bond Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Finance Director is authorized to provide for the payment of those fees and any reimbursements from the proceeds of the Notes to the extent available and otherwise is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 14. Retention of Municipal Advisor. The services of Sudsina & Associates, LLC, as municipal advisor, be and are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy,

expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. The Finance Director is authorized to provide for the payment of those fees and any reimbursements from the proceeds of the Notes to the extent available and otherwise is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 15. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the enactment of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 16. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 17. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to sell the Notes at the earliest possible date, which is necessary to enable the City to retire the Outstanding Notes and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its enactment and approval by the Mayor.

Enacted: August 8, 2017

Michael Ketcham  
President of Council

Approved: August 8, 2017

Attest: Lisa Elders  
Clerk of Council

Michael McCann  
Mayor



ORDINANCE NO. 7940

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$375,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF IMPROVING SOUTH CLINTON STREET BY WIDENING, RECONSTRUCTING, GRADING, DRAINING, PAVING AND RESURFACING, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 7845, enacted on August 23, 2016, there were issued \$500,000 of notes (the Outstanding Notes) in anticipation of bonds for the purpose stated in Section 1 as part of a consolidated issue of \$2,205,000 Various Purpose Notes, Series 2016, which Outstanding Notes mature on September 21, 2017; and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the City; and

WHEREAS, the Finance Director, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 20 years and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is September 21, 2036;

NOW, THEREFORE, BE it enacted by the Council of the Municipality of Defiance, that:

Section 1. Authorized Principal Amount of Anticipated Bonds and Purpose. It is necessary to issue bonds of the City in the aggregate principal amount of \$375,000 (the Bonds) for the purpose of paying a portion of the costs of improving South Clinton Street by widening, reconstructing, grading, draining, paving and resurfacing, together with the necessary related improvements and appurtenances thereto.

Section 2. Estimated Bond Terms. The Bonds shall be dated approximately August 1, 2018, shall bear interest at the now estimated rate of 5% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2019.

Section 3. Authorized Principal Amount of Notes; Dating; Interest Rate. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$375,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds and to retire, together with other funds available to the City, the Outstanding Notes. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that the Finance Director may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date not later than one year from the date of issuance by setting forth that maturity date in the certificate signed in accordance with Section 6 (the Certificate of Award). The Notes shall bear interest at a rate not to exceed 4% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by the Finance Director in the Certificate of Award.

Section 4. Payment of Debt Charges; Paying Agent. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America, without deduction for services of the City's paying agent, at the designated corporate trust office of The Huntington National Bank or at the designated corporate trust office or other office of a bank or trust company designated by the Finance Director, after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and

safeguards are available for that purpose, or at the office of the Finance Director if agreed to by the Finance Director and the Original Purchaser (as defined in Section 6) (the Paying Agent).

Section 5. Execution of Notes; Book Entry System. The Notes shall be signed by the Mayor and the Finance Director, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the Original Purchaser and approved by the Finance Director in the Certificate of Award. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Finance Director will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Finance Director that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Finance Director and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this section and this Ordinance:

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes “immobilized” in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Finance Director may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Finance Director does not or is unable to do so, the Finance Director, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable to order form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Finance Director is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. Award and Sale of the Notes. The Notes shall be sold at not less than par plus accrued interest to the original purchaser designated by the Finance Director in the Certificate of

Award (the Original Purchaser) in accordance with law and the provisions of this Ordinance. The Finance Director shall sign the Certificate of Award evidencing the sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the City Administrator, the Finance Director, the Law Director, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Finance Director is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

The Finance Director is authorized to request a rating for the Notes from one or more nationally-recognized rating agencies in connection with the sale and issuance of the Notes. The expenditure of the amounts necessary to secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Notes is authorized and approved, and the Finance Director is authorized to provide for the payment of any such amounts and costs from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 7. Application of Note Proceeds. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. Provisions for Tax Levy. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due. In each year, to the extent other funds are available for the payment of debt charges on the Notes and Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of other funds so available and appropriated.

Section 10. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such

proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Finance Director, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation or treatment of the Notes as “qualified tax-exempt obligations” if such designation or treatment is applicable and desirable, and to make any related necessary representations and covenants), choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Each covenant made in this section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes.

Section 11. Certification and Delivery of Ordinance. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance to the Defiance County Auditor.

Section 12. Satisfaction of Conditions for Note Issuance. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 13 Retention of Bond Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Finance Director is authorized to provide for the payment of those fees and any reimbursements from the proceeds of the Notes to the extent available and otherwise is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 14. Retention of Municipal Advisor. The services of Sudsina & Associates, LLC, as municipal advisor, be and are hereby retained. The municipal advisory services shall be in the

nature of financial advice and recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. The Finance Director is authorized to provide for the payment of those fees and any reimbursements from the proceeds of the Notes to the extent available and otherwise is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 15. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the enactment of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 16. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 17. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to sell the Notes at the earliest possible date, which is necessary to enable the City to retire the Outstanding Notes and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its enactment and approval by the Mayor.

Enacted: August 8, 2017

Michael Ketcham  
President of Council

Approved: August 8, 2017

Attest: Lisa Elders  
Clerk of Council

Michael McCann  
Mayor

ORDINANCE NO. 7941

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$500,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING THE CITY'S PARKS AND RECREATIONAL FACILITIES BY CONSTRUCTING A SPLASH PAD AT THE CITY'S BRONSON PARK, AND DECLARING AN EMERGENCY.

WHEREAS, the Finance Director, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 20 years and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is 240 months from their date of issuance;

NOW, THEREFORE, BE it enacted by the Council of the Municipality of Defiance, that:

Section 1. Authorized Principal Amount of Anticipated Bonds and Purpose. It is necessary to issue bonds of the City in the aggregate principal amount of \$500,000 (the Bonds) for the purpose of paying costs of improving the City's parks and recreational facilities by constructing a splash pad at the City's Bronson Park, together with the necessary appurtenances thereto.

Section 2. Estimated Bond Terms. The Bonds shall be dated approximately August 1, 2018, shall bear interest at the now estimated rate of 5% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2019.

Section 3. Authorized Principal Amount of Notes; Dating; Interest Rate. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$500,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that the Finance Director may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date not later than one year from the date of issuance by setting forth that maturity date in the certificate signed in accordance with Section 6 (the Certificate of Award). The Notes shall bear interest at a rate not to exceed 4% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by the Finance Director in the Certificate of Award.

Section 4. Payment of Debt Charges; Paying Agent. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America, without deduction for services of the City's paying agent, at the designated corporate trust office of The Huntington National Bank or at the designated corporate trust office or other office of a bank or trust company designated by the Finance Director, after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose, or at the office of the Finance Director if agreed to by the Finance Director and the Original Purchaser (as defined in Section 6) (the Paying Agent).

Section 5. Execution of Notes; Book Entry System. The Notes shall be signed by the Mayor and the Finance Director, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the Original Purchaser and approved by the Finance Director in the Certificate of Award. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Finance Director will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Finance Director that issuance of fully registered securities

in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Finance Director and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this section and this Ordinance:

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes “immobilized” in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Finance Director may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Finance Director does not or is unable to do so, the Finance Director, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable to order form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Finance Director is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. Award and Sale of the Notes. The Notes shall be sold at not less than par plus accrued interest to the original purchaser designated by the Finance Director in the Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Ordinance. The Finance Director shall sign the Certificate of Award evidencing the sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the City Administrator, the Finance Director, the Law Director, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Finance Director is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes

with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

The Finance Director is authorized to request a rating for the Notes from one or more nationally-recognized rating agencies in connection with the sale and issuance of the Notes. The expenditure of the amounts necessary to secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Notes is authorized and approved, and the Finance Director is authorized to provide for the payment of any such amounts and costs from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 7. Application of Note Proceeds. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. Provisions for Tax Levy. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due. In each year, to the extent other funds are available for the payment of debt charges on the Notes and Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of other funds so available and appropriated.

Section 10. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Finance Director, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation of the Notes as “qualified tax-exempt obligations” if such designation or treatment is applicable and desirable, and to make any related necessary representations and covenants), choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting



favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Section 11. Certification and Delivery of Ordinance. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance to the Defiance County Auditor.

Section 12. Satisfaction of Conditions for Note Issuance. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 13 Retention of Bond Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Finance Director is authorized to provide for the payment of those fees and any reimbursements from the proceeds of the Notes to the extent available and otherwise is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 14. Retention of Municipal Advisor. The services of Sudsina & Associates, LLC, as municipal advisor, be and are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. The Finance Director is authorized to provide for the payment of those fees and any reimbursements from the proceeds of the Notes to the extent available and otherwise is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 15. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the enactment of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 16. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 17. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to sell the Notes at the earliest possible date, which is necessary to make their proceeds available to enable the City to enter into contracts for the improvement, which is needed to promote the health of the residents of the City by enhancing their recreational opportunities; wherefore, this Ordinance shall be in full force and effect immediately upon its enactment and approval by the Mayor.

Enacted: August 8, 2017

Michael Ketcham  
President of Council

Approved: August 8, 2017

Attest: Lisa Elders  
Clerk of Council

Michael McCann  
Mayor

ORDINANCE NO. 7942

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,305,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING AND EXPANDING THE MUNICIPAL SANITARY SEWERAGE SYSTEM BY CONSTRUCTING AND IMPROVING PUMP STATIONS, FORCE MAINS AND SANITARY SEWERS, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 7188, enacted on September 7, 2010, there were issued \$1,500,000 of notes in anticipation of bonds for the purpose stated in Section 1 as part of a consolidated issue of \$6,150,000 Various Purpose Notes, Series 2010-2, which notes were retired at maturity, together with other funds available to the City, with the proceeds of \$1,425,000 Sanitary Sewerage System Improvement Notes, Series 2011, issued in anticipation of bonds pursuant to Ordinance No. 7300, enacted on September 6, 2011, which notes were retired at maturity, together with other funds available to the City, with the proceeds of \$1,350,000 Sanitary Sewerage System Improvement Notes, Series 2012-2, issued in anticipation of bonds pursuant to Ordinance No. 7246, enacted on September 11, 2012, which notes were retired at maturity, together with other funds available to the City, with the proceeds of \$1,275,000 Sanitary Sewerage System Improvement Notes, Series 2013-2, issued in anticipation of bonds pursuant to Ordinance No. 7530, enacted on August 27, 2013, which notes were retired at maturity, together with other funds available to the City, with the proceeds of \$1,210,000 Sanitary Sewerage System Improvement Notes, Series 2014-2, issued in anticipation of bonds pursuant to Ordinance No. 7655, enacted on August 26, 2014, which notes were retired at maturity, together with other funds available to the City, with the proceeds of \$1,145,000 Sanitary Sewerage System Improvement Notes, Series 2015-2, issued in anticipation of bonds pursuant to Ordinance No. 7743, enacted on August 25, 2015, which notes were retired at maturity, together with other funds available to the City, and an additional \$500,000 for the purpose stated in Section 1 was provided, with the proceeds of \$1,505,000 of notes (the Outstanding Notes) issued in anticipation of bonds pursuant to Ordinance No. 7846, enacted on August 23, 2016, as part of a consolidated issue of \$2,205,000 Various Purpose Notes, Series 2016, which Outstanding Notes mature on September 21, 2017; and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the City; and

WHEREAS, the Finance Director, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of \$805,000 of the Bonds described in Section 1 is 27 years and \$500,000 of the Bonds described in Section 1 is 30 years and the maximum maturity of \$805,000 of the Notes described in Section 3, to be issued in anticipation of the Bonds, is October 5, 2030, and of \$500,000 of the Notes described in Section 3, to be issued in anticipation of the Bonds, is September 21, 2036;

NOW, THEREFORE, BE it enacted by the Council of the Municipality of Defiance, that:

Section 1. Authorized Principal Amount of Anticipated Bonds and Purpose. It is necessary to issue bonds of the City in the aggregate principal amount of \$1,305,000 (the Bonds) for the purpose of paying costs of improving and expanding the municipal sanitary sewerage system by constructing and improving pump stations, force mains and sanitary sewers, together with all incidental work and related appurtenances thereto and acquiring any real estate or interests therein required therefor.

Section 2. Estimated Bond Terms. The Bonds shall be dated approximately August 1, 2018, shall bear interest at the now estimated rate of 5% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2019.

Section 3. Authorized Principal Amount of Notes; Dating; Interest Rate. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$1,305,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds and to retire, together with other funds available to the City, the Outstanding Notes. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that the Finance Director may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date not later than one year from the date of issuance by setting forth that maturity date in the certificate signed in accordance with Section 6 (the Certificate of Award). The Notes shall bear interest at a rate not to exceed 4% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by the Finance Director in the Certificate of Award.

Section 4. Payment of Debt Charges; Paying Agent. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America, without deduction for services of the City's paying agent, at the designated corporate trust office of The Huntington National Bank or at the designated corporate trust office or other office of a bank or trust company designated by the Finance Director, after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose, or at the office of the Finance Director if agreed to by the Finance Director and the Original Purchaser (as defined in Section 6) (the Paying Agent).

Section 5. Execution of Notes; Book Entry System. The Notes shall be signed by the Mayor and the Finance Director, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the Original Purchaser and approved by the Finance Director in the Certificate of Award, provided that no Note shall be issued in a denomination less than \$100,000. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Finance Director will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Finance Director that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Finance Director and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this section and this Ordinance:

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes “immobilized” in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be

transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Finance Director may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Finance Director does not or is unable to do so, the Finance Director, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable to order form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Finance Director is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. Award and Sale of the Notes. The Notes shall be sold at not less than par plus accrued interest to the original purchaser designated by the Finance Director in the Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Ordinance. The Finance Director shall sign the Certificate of Award evidencing the sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the City Administrator, the Finance Director, the Law Director, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Finance Director is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

The Finance Director is authorized to request a rating for the Notes from one or more nationally-recognized rating agencies in connection with the sale and issuance of the Notes. The expenditure of the amounts necessary to secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Notes is authorized and approved, and the Finance Director is authorized to provide for the payment of any such amounts and costs from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 7. Application of Note Proceeds. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. Provisions for Tax Levy. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due. In each year to the extent money from the City's sanitary

sewerage system or other sources is available for the payment of the debt charges on the Notes and Bonds, and is appropriated for that purpose, the tax shall be reduced by the amount of money so available and appropriated.

Section 10. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Finance Director, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation or treatment of the Notes as “qualified tax-exempt obligations” if such designation or treatment is applicable and desirable, and to make any related necessary representations and covenants), choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Each covenant made in this section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes.

Section 11. Certification and Delivery of Ordinance. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance to the Defiance County Auditor.

Section 12. Satisfaction of Conditions for Note Issuance. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 13 Retention of Bond Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Finance Director is authorized to provide for the payment of those fees and any reimbursements from the proceeds of the Notes to the extent available and otherwise is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 14. Retention of Municipal Advisor. The services of Sudsina & Associates, LLC, as municipal advisor, be and are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. The Finance Director is authorized to provide for the payment of those fees and any reimbursements from the proceeds of the Notes to the extent available and otherwise is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 15. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the enactment of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 16. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 17. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to sell the Notes at the earliest possible date, which is necessary to enable the City to retire the Outstanding Notes and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its enactment and approval by the Mayor.

Enacted: August 8, 2017

Michael Ketcham  
President of Council

Approved: August 8, 2017

Attest: Lisa Elders  
Clerk of Council

Michael McCann  
Mayor

## FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Defiance, Ohio:

As fiscal officer of the City of Defiance, Ohio, I certify in connection with your proposed issue of \$1,305,000 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of improving and expanding the municipal sanitary sewerage system by constructing and improving pump stations, force mains and sanitary sewers, together with all incidental work and related appurtenances thereto and acquiring any real estate or interests therein required therefor (the improvement), that:

1. The estimated life or period of usefulness of the improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is at least 30 years, the Bonds allocable to each class of property included in the improvement having a maximum maturity of at least 30 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds. Thus, the maximum maturity of \$805,000 of the Bonds is 27 years.
3. The maximum maturity of \$805,000 of the Notes is October 5, 2030, which is 20 years from October 5, 2010, and of \$500,000 of the Notes is September 21, 2036, which is 20 years from September 21, 2016, the dates of issuance of the original notes issued for this purpose.

Dated: August 8, 2017

John Lehner  
Finance Director  
City of Defiance, Ohio



## FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Defiance, Ohio:

As fiscal officer of the City of Defiance, Ohio, I certify in connection with your proposed issue of \$375,000 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying a portion of the costs of improving South Clinton Street by widening, reconstructing, grading, draining, paving and resurfacing, together with the necessary related improvements and appurtenances thereto (the improvement), that:

1. The estimated life or period of usefulness of the improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 20 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of the Notes is September 21, 2036, which is 20 years from September 21, 2016, the date of issuance of the original notes issued for this purpose.

Dated: August 8, 2017

John Lehner  
Finance Director  
City of Defiance, Ohio

## FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Defiance, Ohio:

As fiscal officer of the City of Defiance, Ohio, I certify in connection with your proposed issue of \$150,000 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of acquiring an ambulance, including related equipment and apparatus, together with the necessary appurtenances thereto (the improvement), that:

1. The estimated life or period of usefulness of the improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 10 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of the Notes is September 21, 2031, which is 15 years from September 21, 2016, the date of issuance of the original notes issued for this purpose.

Dated: August 8, 2017

\_\_\_\_\_  
John Lehner  
Finance Director  
City of Defiance, Ohio

## FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Defiance, Ohio:

As fiscal officer of the City of Defiance, Ohio, I certify in connection with your proposed issue of \$500,000 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of improving the City's parks and recreational facilities by constructing a splash pad at the City's Bronson Park, together with the necessary appurtenances thereto (the improvement), that:

1. The estimated life or period of usefulness of the improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is at least 20 years, being my estimate of the life or period of usefulness of those improvements; if and to the extent a portion of the proceeds of the Bonds is to be allocated to a class or classes having a maximum maturity of less than 20 years but in excess of five years, then the maximum maturity of the Bonds would still be at least 20 years by reason of a sufficient portion of the proceeds of the Bonds allocated to a class or classes having a maximum maturity or an estimated period of usefulness in excess of 20 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of the Notes is 240 months from their date of issuance.

Dated: August 8, 2017

John Lehner  
Finance Director  
City of Defiance, Ohio

Abstract of  
City of Defiance, Ohio  
Ordinance No. 7942

This is a summary of Ordinance No. 7942 enacted by the Council of the City of Defiance on August 8, 2017, providing for the issuance and sale of \$1,305,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of improving and expanding the municipal sanitary sewerage system by constructing and improving pump stations, force mains and sanitary sewers, together with all incidental work and related appurtenances thereto and acquiring any real estate or interests therein required therefor.

The bonds anticipated by the notes are to be dated the first day of the month in which the notes mature, and to bear interest at the estimated rate of 5% per year and to mature in 20 annual installments. The notes will bear interest at a rate not to exceed 4% per year, and will be dated the date of issuance and mature not later than 12 months from that date. The ordinance provides for sale of the notes to the original purchaser designated by the Finance Director in a certificate of award, at a purchase price of not less than par and authorizes the Finance Director to determine the principal amount of and interest rate (subject to the 4% maximum) on the notes. The ordinance provides for the manner of payment of the notes, their form and signing and the application of the proceeds, and provides assurances of the City relating to the federal income tax status of the interest on the notes. The ordinance also provides for the levy of a tax within the ten-mill limitation imposed by law on all the taxable property in the City while the notes are outstanding, and that the notes will be general obligations of the City, the full faith and credit and general property taxing power of which are pledged for the payment of principal and interest.

The complete text of the ordinance may be obtained or viewed at the office of the Clerk of Council. The ordinance was declared to be an emergency measure.

Abstract of  
City of Defiance, Ohio  
Ordinance No. 7940

This is a summary of Ordinance No. 7940 enacted by the Council of the City of Defiance on August 8, 2017, providing for the issuance and sale of \$375,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying a portion of the costs of improving South Clinton Street by widening, reconstructing, grading, draining, paving and resurfacing, together with the necessary related improvements and appurtenances thereto.

The bonds anticipated by the notes are to be dated the first day of the month in which the notes mature, and to bear interest at the estimated rate of 5% per year and to mature in 20 annual installments. The notes will bear interest at a rate not to exceed 4% per year, and will be dated the date of issuance and mature not later than 12 months from that date. The ordinance provides for sale of the notes to the original purchaser designated by the Finance Director in a certificate of award, at a purchase price of not less than par and authorizes the Finance Director to determine the principal amount of and interest rate (subject to the 4% maximum) on the notes. The ordinance provides for the manner of payment of the notes, their form and signing and the application of the proceeds, and provides assurances of the City relating to the federal income tax status of the interest on the notes. The ordinance also provides for the levy of a tax within the ten-mill limitation imposed by law on all the taxable property in the City while the notes are outstanding, and that the notes will be general obligations of the City, the full faith and credit and general property taxing power of which are pledged for the payment of principal and interest.

The complete text of the ordinance may be obtained or viewed at the office of the Clerk of Council. The ordinance was declared to be an emergency measure.

Abstract of  
City of Defiance, Ohio  
Ordinance No. 7939

This is a summary of Ordinance No. 7939 enacted by the Council of the City of Defiance on August 8, 2017, providing for the issuance and sale of \$150,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of acquiring an ambulance, including related equipment and apparatus, together with the necessary appurtenances thereto.

The bonds anticipated by the notes are to be dated the first day of the month in which the notes mature, and to bear interest at the estimated rate of 4% per year and to mature in 10 annual installments. The notes will bear interest at a rate not to exceed 4% per year, and will be dated the date of issuance and mature not later than 12 months from that date. The ordinance provides for sale of the notes to the original purchaser designated by the Finance Director in a certificate of award, at a purchase price of not less than par and authorizes the Finance Director to determine the principal amount of and interest rate (subject to the 4% maximum) on the notes. The ordinance provides for the manner of payment of the notes, their form and signing and the application of the proceeds, and provides assurances of the City relating to the federal income tax status of the interest on the notes. The ordinance also provides for the levy of a tax within the ten-mill limitation imposed by law on all the taxable property in the City while the notes are outstanding, and that the notes will be general obligations of the City, the full faith and credit and general property taxing power of which are pledged for the payment of principal and interest.

The complete text of the ordinance may be obtained or viewed at the office of the Clerk of Council. The ordinance was declared to be an emergency measure.

Abstract of  
City of Defiance, Ohio  
Ordinance No. 7941

This is a summary of Ordinance No. 7941 enacted by the Council of the City of Defiance on August 8, 2017, providing for the issuance and sale of \$500,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of improving the City's parks and recreational facilities by constructing a splash pad at the City's Bronson Park, together with the necessary appurtenances thereto.

The bonds anticipated by the notes are to be dated the first day of the month in which the notes mature, and to bear interest at the estimated rate of 5% per year and to mature in 20 annual installments. The notes will bear interest at a rate not to exceed 4% per year, and will be dated the date of issuance and mature not later than 12 months from that date. The ordinance provides for sale of the notes to the original purchaser designated by the Finance Director in a certificate of award, at a purchase price of not less than par and authorizes the Finance Director to determine the principal amount of and interest rate (subject to the 4% maximum) on the notes. The ordinance provides for the manner of payment of the notes, their form and signing and the application of the proceeds, and provides assurances of the City relating to the federal income tax status of the interest on the notes. The ordinance also provides for the levy of a tax within the ten-mill limitation imposed by law on all the taxable property in the City while the notes are outstanding, and that the notes will be general obligations of the City, the full faith and credit and general property taxing power of which are pledged for the payment of principal and interest.

The complete text of the ordinance may be obtained or viewed at the office of the Clerk of Council. The ordinance was declared to be an emergency measure.