

# ORDINANCE NO. 7949

## AN ORDINANCE AUTHORIZING ENGAGEMENT OF STRAND ASSOCIATES, INC. AND DECLARING AN EMERGENCY

WHEREAS, In July, 2015, the City submitted a revised Combined Sewer Overflow Long Term Control Plan to the Ohio Environmental Protection Agency; and,

WHEREAS, The Ohio Environmental Protection Agency did not conclude its review of the revised Long Term Control Plan until July, 2017; and,

WHEREAS, The Ohio Environmental Protection Agency has approved the proposed Long Term Control Plan subject to municipal acceptance of certain conditions and changes that necessitate further negotiation with the agency; and,

WHEREAS, The City desires to propose additional changes to the proposed Long Term Control Plan that will place greater reliance on cost effective water quality improvement strategies that were unavailable to the municipality in July, 2015, but have since been recognized by the United States Environmental Protection Agency; and,

WHEREAS, Strand Associates, Inc., has successfully assisted other public entities with the negotiation of changes to Combined Sewer Overflow Long Term Control Plans to facilitate greater use of the desired water quality improvement strategies; and,

WHEREAS, Strand Associates, Inc., has offered to evaluate the cost effectiveness and technical feasibility of alternatives to the Long Term Control Plan now pending regulatory review and to assist City officials in negotiations with the Ohio Environmental Protection Agency on a time and expense basis and at a cost of not more than \$47,000.00;

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

Section 1: In accordance with Codified Ordinance 151.03(e) the City Administrator is hereby authorized to execute the "Agreement for General Services, Regulatory Assistance for Long-Term Control Plan" dated August 21, 2017, and now on file in the office of the City Engineer.

Section 2: The Finance Director is authorized to pay costs incurred in accordance with the agreement authorized by Section 1 from Line 589-540-52-973-004 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 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, safety and welfare of the community for the reason that negotiations between the municipality, Ohio Environmental Protection Agency and Ohio Attorney General must be completed by December 31, 2017 to prevent violation of a Consent Order previously issued by the Court of Common Pleas. 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: September 12, 2017

Michael Ketcham

President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: September 12, 2017

Michael McCann

Mayor

# ORDINANCE NO. 7950

## AN ORDINANCE VACATING AN ALLEY IN THE FIRST ADDITION TO WEST DEFIANCE

WHEREAS: The municipal government owns Lots numbered 16 through 25 in and of the First Addition to West Defiance and is preparing said lands for sale; and,

WHEREAS: The government has discovered that title to the property is encumbered by a platted alley adjacent to Lots 21, 22, 23, 24, 25; and,

WHEREAS: All other platted streets and alleys adjacent to the government's land were vacated by Ordinance 1065, passed April 5, 1938; and,

WHEREAS: Codified Ordinance 905.19(b) empowers Council to vacate public right of ways without the necessity of a Petition for such vacation being filed and Revised Code Section 723.06 empowers the City to vacate rights-of-way without publication of notice of the proposed action where all owners of land adjacent to the right-of-way consent to the vacation; and,

WHEREAS: the municipal government is the sole owner of all lands adjacent to the unimproved alley; and,

WHEREAS: Council finds there is good cause to vacate the alley and that the vacation will not be detrimental to the general interest;

NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF DEFIANCE, THAT:

SECTION 1: The alley lying parallel to the CSX Transportation (formerly Baltimore & Ohio and Chicago Railroad Company) right of way and adjacent to Lots 21, 22, 23, 24 and 25 of the First Addition to West Defiance, as more fully described and depicted by the survey now on file in the office of the City Law Director, is hereby vacated.

SECTION 2: The City Law Director is directed to record a copy of this Ordinance together with a certified copy of Ordinance 1065 to document the vacation of all public rights of way lying between the South line of Baltimore Street and the North line of the CSX Transportation right-of-way adjacent to Lots 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 in and of the First Addition to West Defiance.

SECTION 3: It is found and determined that all legislative acts pertaining or relating to the enactment of this Ordinance were taken in public session and that all deliberations of Council, including all deliberations of the committees of Council, that affected or influenced any such legislative act, were conducted in public session duly convened in conformity with law.

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

Passed: September 12, 2017

Michael Ketcham  
President of Council

Attest: Lisa Elders  
Clerk of Council

Approved: September 12, 2017

Michael McCann  
Mayor

ORDINANCE NO. 7951

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 2017 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

301.04	Bicycle; Motorized Bicycle; Moped. (Amended)
301.19	Motorcycle. (Amended)
303.04	Road Workers, Motor Vehicles and Equipment Excepted. (Amended)
303.081	Impounding Vehicles on Private Residential Property. (Amended)
303.082	Tow Away Zones. (Amended)
313.09	Driver's Duties Upon Approaching Ambiguous Traffic Signal. (Amended)
331.03	Overtaking, Passing to Left; Driver's Duties. (Amended)
331.21	Right of Way of Public Safety or Coroner's Vehicle. (Amended)
331.211	Report of Vehicle Failing to Yield Right of Way to Public Safety Vehicle. (Added)
333.01	Driving Under the Influence. (Amended)
335.021	Ohio Driver's License Required for In State Residents. (Added)
335.09	Display of License Plates. (Amended)
335.111	Registration Within Thirty Days of Residency. (Added)
335.12	Stopping After Accident Upon Streets. (Amended)
335.13	Stopping After Accident Upon Property Other Than Street. (Amended)
351.07	Unattended Vehicles: Duties. (Amended)
373.02	Riding Upon Seats; Handlebars; Helmets and Glasses. (Amended)

General Offenses Code

501.01	General Definitions. (Amended)
501.06	Limitation of Criminal Prosecution. (Amended)
505.071	Cruelty to Companion Animals. (Amended)
513.02	Gift of Marihuana. (Amended)
513.03	Drug Abuse; Controlled Substance Possession or Use. (Amended)
513.04	Possessing Drug Abuse Instruments. (Amended)
513.05	Permitting Drug Abuse. (Amended)
513.07	Possessing or Using Harmful Intoxicants. (Amended)
513.08	Illegally Dispensing Drug Samples. (Amended)

513.11 Possessing Nitrous Oxide in Motor Vehicle. (Amended)  
 513.12 Drug Paraphernalia. (Amended)  
 513.121 Marihuana Drug Paraphernalia. (Amended)  
 513.13 Counterfeit Controlled Substances. (Amended)  
 521.06 Nonsmoking Areas in Places of Public Assembly.  
 (Amended)  
 525.05 Failure to Report a Crime, Injury or Knowledge of Death.  
 (Amended)  
 525.15 Assaulting Police Dog or Horse or an Assistance Dog.  
 (Amended)  
 529.01 Liquor Control Definitions. (Amended)  
 529.07 Open Container Prohibited. (Amended)  
 537.051 Menacing by Stalking. (Amended)  
 537.10 Telecommunications Harassment. (Amended)  
 537.17 Criminal Child Enticement. (Amended)  
 537.18 Contributing to Child Delinquency. (Amended)  
 541.02 Arson. (Amended)  
 541.04 Criminal Mischief. (Amended)

Fire Prevention Code

1519.04 Fireworks Possession, Sale or Discharge Prohibited.  
 (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.

Passed: September 12, 2017

Michael Ketcham  
 President of Council

Attest: Lisa Elders, Clerk

Approved: September 12, 2017

Michael McCann  
 Mayor