

Ordinance No. _____

AN ORDINANCE AMENDING CODIFIED ORDINANCE 961.02 PERTAINING TO THE PRICE OF BURIAL EASEMENTS AND SERVICES IN RIVERSIDE CEMETERY AND REGULATIONS PERTAINING TO THE COLLECTION THEREOF.

WHEREAS, Municipal costs to maintain Riverside Cemetery and to perform burial services therein have increased substantially since the schedule of prices and fees was last amended by Ordinances 7104 and 7110, (passed December 15, 2009, and January 5, 2010), necessitating that the prices charged for burial easements and fees charged for burial services be revised;

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

Section 1. Section 961.02 of the Codified Ordinances is amended to provide (deleted text ~~stricken~~, newly added text in *italics*):

961.02 RATES AND REGULATIONS.

(a) Charges for burial services shall be:

<u>Service</u>	<u>Weekday</u>	<u>Saturday</u>	<u>Sunday/Holiday</u>
Burial of Ashes:	\$200.00 \$225.00	\$250.00 \$275.00	\$300.00 \$325.00
Opening and Closing Mausoleum:	\$500.00 \$525.00	\$500.00 \$525.00	\$500.00 \$525.00

Disinterment *to be performed only during normal weekday business hours:*

Adult	\$1,000.00 plus charges by vault company, if any.
Infant	\$500.00 plus charges by vault company, if any.
Ashes	\$300.00 plus charges by vault company, if any.

Interment:

Adult <i>All Others</i>	\$400.00 \$425.00	\$500.00 \$525.00	\$550.00 \$575.00
Children under 2	\$250.00 \$275.00	\$300.00 \$325.00	\$350.00 \$375.00

The rates established by this section shall be increased \$50.00 for burial services performed incident to interment ceremonies conducted after 2:00 o'clock p.m. on weekdays and after 11:00 o'clock a.m. on Saturdays.

(b) Burial services will ~~only~~ *not* be performed on Saturday, Sunday or *any* legal holiday ~~if~~ *unless* requested forty-eight hours in advance.

(c) All burial, mausoleum and interment charges *established by subparagraph (a)* shall be *fully* paid ~~within 120 days of the date services are rendered. A late charge of one and one-half percent per month shall be charged beyond 120 days in advance of the time the services are rendered unless performed at the direction and expense of the attending funeral home.~~

(d) The ~~cost of~~ *purchase price* of burial easements to contiguous grave lots shall be as follows:

<u>Number of Lots</u>	<u>Resident of City</u>	<u>Nonresident of City</u>
<i>Infant (1)</i>	\$150.00	\$200.00
<i>One</i>	\$375.00 \$400.00	\$450.00 \$475.00
<i>Two or more</i>	\$600.00 \$325.00 per lot	\$750.00 \$400.00 per lot
<i>Three</i>	\$850.00	\$1,025.00
<i>Four</i>	\$1,050.00	\$1,250.00
<i>Five or more</i>	\$275.00 per lot	\$350.00 per lot

~~At the discretion of the Sexton and with the approval of the City Administrator, a partial lot may be sold for the burial of an infant child. In such event, the price for such partial lot shall be one-half the price established by this section for the sale of a burial easement to one full cemetery lot.~~

(e) ~~Unused lots~~ *Burial easements* purchased in advance of need shall be *fully paid for at the time of sale and shall be subject to resale by the City if not used for the burial of human ashes or interment of human remains within 75 years following the date of fully paid for within ninety*

~~days of sale. Refunds of partial payments received for the sale of unused burial easements shall be made only on receipt of a written request therefore signed by the purchaser or the duly appointed legal representative of the estate of the purchaser. For purposes of this section, use of the burial easement to any one or more contiguous burial lots purchased as a single parcel shall be deemed timely use of all lots described by the cemetery deed. Lots Burial easements purchased for immediate use shall be fully paid for within 120 days of sale. A late charge of one and one-half percent per month shall be charged beyond 120 days at the time of sale unless acquired at the direction and expense of the attending funeral home.~~

(f) No headstone or monument shall be erected other than on a properly sized foundation constructed to standards established by municipal personnel cemetery rules and regulations in effect on the date of construction. ~~The charge for a foundation shall be the greater of \$40.00 or \$7.00 per cubic foot of concrete required. An additional charge of \$20.00 shall be levied for all formed foundations. No such foundation shall be installed on any lot until all charges for the purchase of the burial easement pertaining to that lot and for the performance of all burial services rendered thereon are fully have been paid.~~

Section 2. The W. H. Drane Company is directed to reformat §961.02(a) so as to present the changes substantially amended by Section 1 in the following order in future editions of the *Codified Ordinances of the City of Defiance, Ohio*:

- Burial of Ashes;
- Interment:
 - Child under 2
 - All others;
- Opening and Closing Mausoleum;
- Disinterment

Section 3. Nothing contained in this Ordinance shall be construed to negate the obligation to pay or otherwise impair the collection of money due or to become due for burial services rendered or burial easements purchased in accordance with Codified Ordinance Section 961.02 as enacted on the date such charge accrued nor to modify any provision of Section 961.02 not expressly amended by Sections 1 and 2 hereof.

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 or in Executive Session duly convened in accordance with law.

Section 5. This Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Passed: _____, 2021 _____
President of Council

Votes in Favor of Adoption: _____
Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2021 _____
Mayor

Ordinance No. _____

AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY AT BALTIMORE STREET AND DECLARING AN EMERGENCY

WHEREAS, the City desires to acquire two parcels identified as permanent parcel nos. B01-1107-0-050-00 and B01-1107-0-051-00 in the First Addition to West Defiance in the City of Defiance, Ohio; and,

WHEREAS, Section 3.01 of the City Charter gives Council the authority to purchase property; and,

WHEREAS, the City proposes to purchase the property from the current owner for \$70,000.00; and,

WHEREAS, Council finds that the acquisition of this property will enable the City to make infrastructure improvements near the intersection of Baltimore Street and Atlantic Street;

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

Section 1: The City Administrator is directed to enter into a contract with the owner of 0.98 acres of real property located at Baltimore Street and identified as permanent parcel nos. B01-1107-0-050-00 and B01-1107-0-051-00 for a purchase price of \$70,000.00.

Section 2: The conveyance of a general warranty deed from the real property owner is hereby accepted.

Section 3: The Finance Director is authorized to pay the purchase price in Section 1, plus any of its share of settlement charges, closing costs, title insurance premiums, realtor's commissions, and prorated real property taxes to the date of closing, from Line 403-901-52-979036 of the 2021 annual budget.

Section 4: All municipal officers are authorized to take such actions as may be necessary or appropriate to secure marketable title to the real property and record the ownership interest of the municipality with the Recorder of Defiance County, Ohio.

Section 5: 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 6: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety, or welfare of the community for the reason that immediate execution of the purchase agreement is necessary due to the tenuous nature of negotiations for property acquisition. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than five (5) Members of Council and approval of the Mayor.

Passed: _____, 2021

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2021

Mayor

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL PROPERTY LOCATED AT 221 FRONT STREET AND DECLARING AN EMERGENCY

WHEREAS, the City seeks to acquire property for demolition located in a Special Flood Hazard Area ("SFHA") as identified by the Federal Emergency Management Agency ("FEMA"); and,

WHEREAS, FEMA and the Ohio Emergency Management Agency ("OEMA") provides eighty-seven and one-half percent (87.5%) grant funding for property acquisition and demolition of structures in the SFHA, with the City providing a twelve and one-half percent (12.5%) local match; and,

WHEREAS, the Maumee Valley Planning Organization identified one parcel, B01-4142-0-066-00, that meets the grant criteria and contains a structure suitable for demolition; and,

WHEREAS, the City desires to enter into a contract with the property owner for the purchase of the above-described real property for the total amount of \$76,078.00; and,

WHEREAS, Council finds that ownership of this property will assist with flood mitigation efforts and add green space in the East Defiance Addition to the City;

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

Section 1: The City Administrator is directed to enter into a contract with the owner of the real property located at 221 Front Street and identified as Permanent Parcel Number B01-4142-0-066-00 at a total purchase price of \$76,078.00.

Section 2: The conveyance of a general warranty deed from the real property owner is hereby accepted.

Section 3: The Finance Director is authorized to pay the purchase price from Section 1, plus all settlement charges, attorney's fees, closing costs, title insurance fees, procurement fees, and prorated real property taxes to the date of closing from Line 403-901-52-979111 of the 2021 annual budget.

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 or in Executive Session duly convened in accordance with law.

Section 5: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety, or welfare of the community for the reason that time is of the essence to secure ownership of this property according to the FEMA grant timelines. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than five (5) Members of Council and approval of the Mayor.

Passed: _____, 2021

President of Council

Votes in Favor of Adoption: _____
Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2021

Mayor

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO SUBMIT AN ECONOMIC DEVELOPMENT APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO THE OHIO DEPARTMENT OF DEVELOPMENT AND DECLARING AN EMERGENCY

WHEREAS, the State of Ohio Department of Development provides financial assistance to local governments for the purpose of building strong communities and creating jobs; and,

WHEREAS, the City desires to participate in the Program to receive financial assistance to undertake and carry out Community Development activities under the Small Cities Community Development Block Grant Economic Development Program Application for the development activities of Rust Belt Opportunity Zone Fund, LLC and Castlehill Materials, LLC; and,

WHEREAS, the City Administrator has the authority to apply for financial assistance and to administer the amounts received from the State of Ohio, Department of Development, through its Small Cities Community Development Block Grant Economic Development Program Application for the development activities of Rust Belt Opportunity Zone Fund, LLC and Castlehill Materials, LLC; and,

WHEREAS, Council must direct and authorize the City Administrator to act in connection with the application and to provide such additional information as may be required;

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

Section 1: Council authorizes the City Administrator, as official representative of the City of Defiance, Ohio, to participate in the State of Ohio Department of Development Small Cities Community Development Block Grant Economic Development Program Application for the development activities of Rust Belt Opportunity Zone Fund, LLC and Castlehill Materials, LLC and provide all information and documentation required in said application for submission.

Section 2: Council approves filing an application for financial assistance under the Small Cities Community Development Block Grant Economic Development Program for the development activities of Rust Belt Opportunity Zone Fund, LLC and Castlehill Materials, LLC.

Section 3: Council understands and agrees that participation in the program will require compliance with program guidelines and assurances.

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 or in Executive Session duly convened in accordance with law.

Section 5: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety, or welfare of the community for the reason that immediate adoption of this ordinance is required to meet the grant deadlines for this economic development project. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than five (5) Members of Council and approval of the Mayor.

Passed: _____, 2021
_____ President of Council

Votes in Favor of Adoption: _____
Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2021
_____ Mayor

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL PROPERTY
LOCATED AT 653 RIVERSIDE AVENUE AND DECLARING AN
EMERGENCY**

WHEREAS, the City seeks to acquire property for demolition located in a Special Flood Hazard Area ("SFHA") as identified by the Federal Emergency Management Agency ("FEMA"); and,

WHEREAS, FEMA and the Ohio Emergency Management Agency ("OEMA") provides eighty-seven and one-half percent (87.5%) grant funding for property acquisition and demolition of structures in the SFHA, with the City providing a twelve and one-half percent (12.5%) local match; and,

WHEREAS, the Maumee Valley Planning Organization identified one parcel, B01-1030-0-017-00, that meets the grant criteria and contains a structure suitable for demolition; and,

WHEREAS, the City desires to enter into a contract with the property owner for the purchase of the above-described real property for the total amount of \$94,000.00; and,

WHEREAS, Council finds that ownership of this property will assist with flood mitigation efforts and add green space in Charles Miller's Addition to the City;

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

Section 1: The City Administrator is directed to enter into a contract with the owner of the real property located at 653 Riverside Avenue as Permanent Parcel Number B01-1030-0-017-00 at a total purchase price of \$94,000.00.

Section 2: The conveyance of a general warranty deed from the real property owner is hereby accepted.

Section 3: The Finance Director is authorized to pay the purchase price from Section 1, plus all settlement charges, attorney's fees, closing costs, title insurance fees, procurement fees, and prorated real property taxes to the date of closing from Line 403-901-52-979111 of the 2021 annual budget.

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 or in Executive Session duly convened in accordance with law.

Section 5: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety, or welfare of the community for the reason that time is of the essence to secure ownership of this property according to the FEMA grant timelines. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than five (5) Members of Council and approval of the Mayor.

Passed: _____, 2021

President of Council

Votes in Favor of Adoption: _____
Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2021

Mayor