

Ordinance No. _____

AN ORDINANCE AMENDING SECTION 373.11 OF THE CODIFIED ORDINANCES OF DEFIANCE, OHIO

WHEREAS, Section 373.11(a) of the current Codified Ordinances of Defiance, Ohio require the police chief to sell impounded bicycles and dispose of the proceeds in a manner provided by law; and,

WHEREAS, Section 737.32 of the Ohio Revised Code authorizes the police chief to contribute property that is unclaimed for ninety days or more to one or more public agencies, to a nonprofit, organization, or to a charitable organization satisfying Section 501(c)(3) or (c)(19) of the Internal Revenue Code "if authorized to do so by an ordinance adopted by the legislative authority of the municipal corporation"; and,

WHEREAS, Council finds that there are several worthy agencies and organizations in the community willing to provide bicycles free-of-charge to needy children;

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

Section 1: Section 373.11 of the Codified Ordinances of the City of Defiance, Ohio is hereby amended to provide (deleted text stricken, newly added text underlined):

373.11 IMPOUNDING OF BICYCLES; SUSPENSION OF RIDING PRIVILEGES.

(a) Whenever any bicycle is operated by any person in violation of any of the provisions of this Traffic Code, the bicycle may be seized by any member of the Police Division and impounded in the Municipal Building or another suitable place for up to sixty days. If a bicycle so impounded is not claimed by the owner or operator of the same, or by the parent or guardian of the owner or operator, within such period, it shall be sold by the Chief of Police and the proceeds of the sale shall be disposed of by him or her in the manner provided by law unless as provided in subsection (b) below.

(b) Alternatively, the Chief of Police may contribute the impounded bicycle that is unclaimed for ninety (90) days or more to one or more public agencies, to one or more nonprofit organizations no part of the net income of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation, or to one or more organizations satisfying section 501(c)(3) or (c)(19) of the Internal Revenue Code of 1986.

~~(b)(c)~~ The Chief of Police shall have authority to remove the license plate from any bicycle impounded under authority of subsection (a) hereof and to impound the license issued to the owner or operator of the bicycle, for a period not to exceed five days. The removal of the license plate shall be in addition to other penalties provided in this chapter.

~~(c)(d)~~ In addition to the penalties provided in this chapter, a court may prohibit any person who violates or fails to comply with any of the provisions of this chapter relating to bicycles from riding a bicycle for not more than six months.

Section 2: 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 3: This Ordinance shall be effective on the earliest date permitted by law.

Passed: _____, 2020

President of Council

Attest: _____, Clerk

Approved: _____, 2020

Mayor

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A CONTRACT FOR SLUDGE HAULING FROM THE WATER TREATMENT PLANT AND DECLARING AN EMERGENCY

WHEREAS, the City must remove sludge from the lagoons at the Water Treatment Plant or risk overflow; and,

WHEREAS, the City opened competitive bidding for this service on July 16, 2020 and Schlatters Custom Pumping, LLC submitted the lowest and best bid at \$0.04 per gallon removed for a contractual period of August 1, 2020 to December 31, 2023; and,

WHEREAS, Council finds that this agreement will help the City comply with environmental laws and regulations and maintain a functioning water treatment plant;

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 Schlatters Custom Pumping, LLC for hauling sludge product, including lime residue, from the Water Treatment Plant at a price of \$0.04 per gallon and according to the terms and conditions of the Bid Specifications on file in the Office of the Law Director.

Section 2: The Finance Director shall pay the contract price from Section 1 from appropriated funds allocated by expenditure from Line 591-537-52-835.117 of the 2020 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, or welfare of the community for the reason that the City must remove sludge from its lagoons in a short timeframe to avoid an overflow and environmental liability. Therefore, immediate commencement of this agreement is necessary. 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: _____, 2020

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2020

Mayor

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A CONTRACT FOR SLUDGE HAULING FROM THE WATER POLLUTION CONTROL SITE AND DECLARING AN EMERGENCY

WHEREAS, the City must remove sludge from the lagoons at the Water Pollution Control site or risk overflow and the loss of opportunity to apply the sludge on area fields; and,

WHEREAS, the City opened competitive bidding for this service on July 16, 2020 and ZTH LLC submitted the lowest and best bid at \$0.035 per gallon removed for a contractual period of August 1, 2020 to July 31, 2023; and,

WHEREAS, Council finds that this agreement will help the City comply with environmental laws and regulations and allow for the continued functioning of the wastewater works;

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 ZTH LLC for hauling sludge product from the Water Pollution Control site at a price of \$0.035 per gallon, not to exceed \$420,000.00, and according to the terms and conditions of the Proposal for Furnishing Services on file in the Office of the Law Director.

Section 2: The Finance Director shall pay the contract price from Section 1 from appropriated funds allocated by expenditure from Line 590-540-52-835.117 of the 2020 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, or welfare of the community for the reason that the City only has a short window every year to remove the sludge from the lagoons and apply it to the fields. Therefore, immediate commencement of this agreement is necessary. 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: _____, 2020

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2020

Mayor

Ordinance No. _____

**AN ORDINANCE AUTHORIZING THE SALE OF MUNICIPAL PROPERTY
LOCATED AT 22525 MILL STREET AND DECLARING AN EMERGENCY**

WHEREAS, the property described and attached hereto as "Exhibit A" is no longer needed for any municipal purpose; and,

WHEREAS, the City advertised for bids for the property once a week for five consecutive weeks in a newspaper of general circulation within the municipal corporation pursuant to §721.03, Ohio Revised Code; and,

WHEREAS, the City held an auction for the subject property on July 18, 2020 at 22525 Mill Street, Defiance, Ohio, with Larry Plummer serving as auctioneer, and William T. Stevens submitted the highest bid in the amount of \$84,000.00 for the property; and,

WHEREAS, Council finds that the sale of the property for the bid amount is in the best interests of the City;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, two-thirds of the members thereof concurring that:

Section 1: The sale of the property described in "Exhibit A" to William T. Stevens is hereby authorized and the bid accepted for the amount of \$84,000.00.

Section 2: The City Administrator is directed to enter into a contract with William T. Stevens for the sale of the property at the bid price.

Section 3: The auctioneer fee, owner's title insurance policy, attorney's fees, and recording costs are further authorized to be paid from the sale proceeds.

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 in the completion of this real estate transaction. 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: _____, 2020

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2020

Mayor

EXHIBIT A

Situated in the Township of Noble, County of Defiance and State of Ohio and known as:

Part of the Northeast Quarter (1/4) of Section fifteen (15), Town Four (4) North, Range Four (4) East, Defiance County, Ohio, as shown on Survey No. B-01-00, Survey Records Defiance County Engineer's Office, (previously known as Auditor's Lot Number Four (4) in the Village of Brunersburg) and more definitely described as follows:

Beginning at a point on the north side of Mill Street in the Village of Brunersburg and in the Northeast Quarter (1/4) of Section Fifteen (15), Town Four (4) North, Range Four (4) East, Noble Township, Defiance County, Ohio. Said point being sixty-six (66) feet North from the Northeast corner of Lot Number (Twenty-five) 25 in the Village of Brunersburg, and also being the point of intersection of the west line of Haller Street extended north to the north line of Mill Street and the said point also being the southwest corner of said Lot Number Four (4); THENCE East on the South line of Lot Number Four (4) and the North line of Mill Street, a distance of one hundred two (102) feet to the Southeast corner of Lot Four (4); THENCE North at an angle of 90 degrees 00' and a distance of 162 feet to the Tiffin River and the Northeast corner of Lot Number Four (4); THENCE Northwest on and along said river to the northwest corner of Lot Number Four (4), said point being two hundred forty (240) feet north from the southwest corner of Lot Number Four (4); THENCE South and parallel with the East line of Lot Number Four (4), a distance of two hundred forty (240) feet to the place of beginning, be the same more or less, but subject to all legal highways, restrictions and easements of record.

Auditor's Tax Parcel #: I13-0015-B -087-00

Property Address: 22525 Mill Street, Defiance, OH 43512

Ordinance No. _____

**AN ORDINANCE GRANTING A PERMANENT EASEMENT IN THE
OTTAWA TERRACE SUBDIVISION**

WHEREAS, a property owner offered to convey three lots, as described in "Exhibit A" attached, to the City for \$1.00 consideration in exchange for a perpetual easement over these parcels; and,

WHEREAS, Section 2.12(11) of the City Charter gives City Council the exclusive authority to dispose of real property interests; and,

WHEREAS, the City plans to construct a shared use path through two of these three parcels; and,

WHEREAS, Council finds that acceptance of the easement attached as "Exhibit A" will aid the Connectivity Pillar of the Defiance Community Strategic Plan by expanding the pedestrian network throughout the Eastside Neighborhood;

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

Section 1: The City Administrator is directed to grant and execute a permanent easement to TLC Properties, Inc. as part of a broader agreement to acquire the three parcels.

Section 2: The Law Director, or his designee, shall record the permanent easement with the Defiance County Recorder.

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 shall be effective on the earliest date permitted by law.

Passed: _____, 2020

President of Council

Attest: _____, Clerk

Approved: _____, 2020

Mayor