

Ordinance No. 7630

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 \$250.00	\$250.00 \$300.00	\$300.00 \$400.00
Opening and Closing Mausoleum:	\$500.00 \$600.00	\$500.00 \$600.00	\$500.00 \$600.00

Disinterment to be performed only during normal weekday business hours:

Adult	\$1,000.00 1,200.00 plus charges by vault company, if any
Infant	\$500.00 600.00 plus charges by vault company, if any
Ashes	\$300.00 400.00 plus charges by vault company, if any

Interment:

Adult All Others	\$400.00 \$450.00	\$500.00 \$550.00	\$550.00 \$650.00
Child under 2	\$250.00 \$300.00	\$300.00 \$350.00	\$350.00 \$450.00

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 for 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>	
One	\$375.00 750.00		\$450.00 1,500.00	
Two	\$600.00 1,200.00		\$750.00 2,400.00	
Three	\$850.00 1,700.00		\$1,025.00 3,400.00	
Four	\$1,050.00 2,100.00		\$1,250.00 4,200.00	
Five or more	\$275.00 500.00 per lot		\$350.00 1,000.00 per lot	

At the discretion of the Sexton and with approval of the City Administrator, a partial lot may be sold for the burial of an infant or 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 charges substantively 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 duly convened in accordance with law.

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

Passed: June 17 _____, 2014

Mike McCann

President of Council

Attest: Lisa Elders _____, Clerk

Approved: June 17 _____, 2014

Bob Armstrong

Mayor

ORDINANCE NO. 7631

AN ORDINANCE VACATING THE ALLEY CONNECTING GROVE AND WILHELM STREETS ADJACENT TO LOTS 193, 194, 212 AND 215 IN AND OF THE SOUTH DEFIANCE ADDITION

WHEREAS: A Petition has been filed to vacate the mid-block east-west alley connecting Grove and Wilhelm Streets and lying between Lots 193 and 215 and between Lots 194 and 212 in and of the South Defiance Addition; and,

WHEREAS: The vacation was unanimously requested by all of the owners of land adjacent to and served by the alley; and,

WHEREAS: Planning Commission recommended that the Petition be granted; and,

WHEREAS: Council finds there is good cause to vacate the alley and that the proposed 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 adjacent to Lots 193, 194, 212 and 215 in and of the South Defiance Addition to the City of Defiance, Ohio, is vacated pursuant to and in accordance with §723.05 of the Revised Code.

SECTION 2: In accordance with §723.041 of the Revised Code, permanent easements are hereby reserved for all municipal and public utility facilities that may presently exist within the public right-of-way vacated by Section 1 of this Ordinance.

SECTION 3: The City Administrator is directed to cause a vacation Plat conforming to the requirements of Revised Code Section 711.39 to be prepared and Recorded and is authorized to employ the services of such surveyors as may be reasonably necessary to prepare the Plat.

SECTION 4: The City Administrator is directed to certify all costs incurred to comply with Section 3 of this Ordinance to the Finance Director for payment from funds deposited by the Petitioner. The Finance Director is directed to pay said costs from the deposit, to withhold therefrom such additional expenses as have been actually incurred for postage, publication and other expenses of the proceeding and to refund the unexpended balance of the deposit to the Petitioner.

SECTION 5: 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 6: This Ordinance shall be effective on the earliest date permitted by law.

Passed: June 17, 2014

Mike McCann
President of Council

Attest: Lisa Elders
Clerk of Council

Approved: June 17, 2014

Bob Armstrong
Mayor

Ordinance No. 7632

AN ORDINANCE AUTHORIZING A CONTRACT WITH KOESTER CORPORATION

WHEREAS, an engineered study to identify ARC Flash hazards on the grounds of the Water Pollution Control treatment works is required to assure employee safety and comply with rules, regulations and recommendations of the Industrial Commission and Bureau of Workers' Compensation; and,

WHEREAS, the lowest cost response to the Request for Proposals was submitted by Koester Corporation; and,

WHEREAS, conduct of the study will require collection of data by qualified electricians;

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

Section 1: The City Administrator is authorized to contract with Koester Corporation for the performance of an ARC Flash Study incorporating all services proposed by Koester Corporation Quote 14-004-DTN and at the quoted price of \$33,455.00. The City Administrator is further authorized to engage the services of such electricians as may be reasonably necessary to conduct the authorized study.

Section 2: The Finance Director is directed to pay all expenses incurred pursuant to the authority of Section 1 from Line 590-540-5-2-980-880 of the 2014 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: June 17, 2014

Mike McCann
President of Council

Attest: Lisa Elders, Clerk

Approved: June 17, 2014

Bob Armstrong
Mayor