

# ORDINANCE NO. 7750

## 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 revisions;

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 2014 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Section 2: That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.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

301.161	Highway Maintenance Vehicle. (Added)
301.162	Highway Traffic Signal. (Added)
303.04	Road Workers, Motor Vehicles and Equipment Excepted. (Amended)
333.01	Driving or Physical Control While Under the Influence. (Amended)
333.03	Maximum Speed Limits. (Amended)
333.031	Approaching a Stationary Public Safety, Emergency or Road Service Vehicle. (Amended)
337.16	Number of Lights; Limitations on Flashing. (Amended)
337.17	Focus and Aim of Headlights. (Amended)
351.03	Prohibited Standing or Parking Places. (Amended)
351.04	Parking Near Curb; Handicapped Parking. (Amended)

### General Offenses Code

505.071	Cruelty to Companion Animals. (Amended)
525.01	Law Enforcement and Public Office Definitions. (Amended)
525.02	Falsification. (Amended)
525.05	Failure to Report a Crime, Injury or Knowledge of Death. (Amended)
529.01	Liquor Control Definitions. (Amended)
529.07	Open Container Prohibited. (Amended)
533.09	Soliciting. (Amended)
533.14	Unlawful Advertising of Massage. (Added)
537.03	Assault. (Amended)
537.05	Aggravated Menacing. (Amended)
537.051	Menacing by Stalking. (Amended)
537.06	Menacing. (Amended)
537.12	Misuse of 9-1-1 System. (Amended)
537.16	Illegal Distribution of Cigarettes, Other Tobacco Products or Alternate Nicotine Products. (Amended)
537.17	Criminal Child Enticement. (Amended)
545.01	Theft and Fraud Definitions. (Amended)
545.02	Determining Property Value in Theft Offense. (Amended)
545.05	Petty Theft. (Amended)
545.15	Securing Writings by Deception. (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, were 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 22, 2015

Mike McCann  
President of Council

Votes in Favor of Adoption: 7  
Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: September 22, 2015

Bob Armstrong  
Mayor

# Ordinance No. 7751

## AN ORDINANCE AUTHORIZING RENEWAL OF A CONTRACT WITH DEFIANCE COUNTY PERTAINING TO REIMBURSEMENT OF MUNICIPAL EXPENSES INCURRED TO PROVIDE LEGAL SERVICES TO INDIGENT DEFENDANTS PROSECUTED IN MUNICIPAL COURT FOR OFFENSES PROSCRIBED BY MUNICIPAL ORDINANCE

WHEREAS, the State Public Defender allocates funds to Defiance County for payment of expenses incurred to provide legal services to indigent persons charged with offenses punishable by incarceration; and,

WHEREAS, a long standing agreement between the City and County has enabled the County to allocate a portion of the funds received from the Public Defender to the City in reimbursement of expenses incurred to provide constitutionally required legal services to persons prosecuted for offenses proscribed by municipal ordinance; and,

WHEREAS, the aforesaid agreement was most recently revised in 2013 to conform to model forms prescribed by the Public Defender and can be renewed by Ordinance of Council and Resolution of the Board of County Commissioners;

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

Section 1: The agreement between the City of Defiance and County of Defiance entitled, "Agreement for Indigent Defense Services in Municipal Court (Assigned Counsel)" is hereby extended without modification for the period beginning January 1, 2016, and ending December 31, 2016. The City Finance Director is authorized to receive and disburse funds in accordance with the agreement during calendar year 2016.

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 duly convened in accordance with law.

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

Passed: September 22, 2015

Mike McCann  
President of Council

Votes in Favor of Adoption: 7  
Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: September 22, 2015

Bob Armstrong  
Mayor

# ORDINANCE NO. 7752

## AN ORDINANCE AUTHORIZING AMENDMENTS TO CERTAIN EASEMENTS, GRANTING A TEMPORARY EASEMENT AND DECLARING AN EMERGENCY

WHEREAS, Panhandle Eastern Pipeline Company, LP was granted permanent easements to install, maintain and operate pipes for the transmission of natural gas across lands subsequently acquired by the municipality and now occupied by the Water Pollution Control Treatment Works; and,

WHEREAS, Panhandle Eastern Pipeline Company, LP has proposed to improve the safety and security of gas transmission facilities crossing the Maumee River by relocating exposed pipes now lying on the river bottom to bores beneath the river; and,

WHEREAS, Implementation of the proposed safety improvements requires relocation of pipes connecting the river crossing to transmission facilities described by the existing easements; and,

WHEREAS, Reconfiguration of the connecting pipework requires adjustment of the boundaries and amendment of the terms and conditions of the existing easements; and,

WHEREAS, Performance of the proposed work will require temporary use of municipal lands adjacent to the boundaries of the permanent easements; and,

WHEREAS, Performance of the proposed work will not interfere with operation of the Water Pollution Control Treatment Works; and,

WHEREAS, Panhandle Eastern Pipeline Company, LP has agreed to compensate the City's lessee for any loss of crops damaged by the proposed work;

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

Section 1: The City Administrator is authorized to execute the proposed, "Amendment of Agreements" and the proposed "Temporary Work Space Permit" now on file in the office of the City Administrator and to deliver both documents to the Panhandle Eastern Pipeline Company, LP.

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 duly convened in accordance with law.

Section 3: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the community for the reason that immediate commencement of the proposed work is necessary to improve the safety of the river crossing and assure reliable gas service to General Motors and municipal inhabitants. 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 22, 2015

Mike McCann  
President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: September 22, 2015

Bob Armstrong  
Mayor

# ORDINANCE NO. 7753

## AN ORDINANCE AUTHORIZING A CONTRACT WITH STANTEC CONSULTING SERVICES, INC., AND DECLARING AN EMERGENCY

WHEREAS, The Ohio Public Works Commission has awarded the City an interest free loan in the amount of \$2,468,000 to replace the Greenler Water Tower; and,

WHEREAS, a qualifications based selection process was properly employed to select Stantec Consulting Services, Inc., as the most qualified respondent to perform the needed design and engineering services; and,

WHEREAS, negotiations conducted in accordance with statutory requirements have resulted in a mutually acceptable agreement as to the scope and price of the services to be rendered and the terms and conditions of the consultant's engagement;

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

Section 1: The City Administrator is authorized to execute and deliver the proposed contract between the City of Defiance and Stantec Consulting Services, Inc., now on file in the office of the Law Director.

Section 2: The Finance Director is authorized to pay the contract price of \$81,548.00 and such additional sums as may become due in accordance with the terms of the approved agreement from 2015 Budgetary Line: 591-537-5-2-980-880.

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 is declared to be an emergency measure necessary to preserve the health, safety or welfare of the community for the reason that all engineering and design services to be performed pursuant to the authorized contract must be completed before March 1, 2016, to comply with financing requirements established by the Ohio Public Works Commission. 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 22 \_\_\_\_\_, 2015

Mike McCann \_\_\_\_\_  
President of Council

Votes in Favor of Adoption: 7 \_\_\_\_\_

Votes Opposed to Adoption: 0 \_\_\_\_\_

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

Approved: September 22 \_\_\_\_\_, 2015

Bob Armstrong \_\_\_\_\_  
Mayor