

**ORDINANCE NO. 2016-09**

AN ORDINANCE AMENDING AND SUPPLEMENTING PART TWO OF THE CODIFIED ORDINANCES TO COMPLY WITH CURRENT LAWS AND PRACTICES.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT:

SECTION 1: Section 202.03(c)(3) and (4) is hereby amended and supplemented to read as follows:

- "(3) "Legal holiday," as used in divisions (c)(1) and (c)(2) of this section, means the following days:
- a. The first day of January, known as New Year's day;
  - b. The third Monday in January, known as Martin Luther King day;
  - c. The third Monday in February, known as Presidents day;
  - d. The day designated in the "Act of June 28, 1968," 82 Stat. 250, 5 U.S.C. 6103, as amended, for the commemoration of Memorial day;
  - e. The fourth day of July, known as Independence day;
  - f. The first Monday in September, known as Labor day;
  - g. The second Monday in October, known as Columbus day;
  - h. The eleventh day of November, known as Veteran's day;
  - i. The fourth Thursday in November, known as Thanksgiving day;
  - j. The 25th day of December, known as Christmas day;
  - k. Any day appointed and recommended by the governor of this state or the President of the United States as a holiday.
- (4) If any day designated in this section as a legal holiday falls on a Saturday, the Friday immediately prior is a legal holiday. If any day designated in this section as a legal holiday falls on a Sunday, the next succeeding day is a legal holiday."

SECTION 2: Section 232.04 is hereby repealed and amended to read as follows:

"232.04. - Assistant Manager.

- (a) The Assistant Manager shall be appointed by the Manager with the approval of Council and shall be subject to the supervision and control of the Manager and may be removed by the Manager."

SECTION 3: Chapter 236 is hereby amended and supplemented to read as follows:

"236.01. - Full-time or part-time treasurer.

The Treasurer, also known as the Director of Finance of the municipality, which is provided for in section 8.05 of the municipal charter, may be either a full-time or part-time position in the municipality.

236.02. - Assistant Finance Director.

- (a) If the Director of Finance is unable to perform the duties of the office of the Director of Finance, the Assistant Finance Director shall perform the duties and responsibilities of the Director of Finance while the Director of Finance is unable to perform the duties of this office.
- (b) If a vacancy occurs in the office of Director of Finance, the individual serving as Assistant Finance Director shall perform the duties and responsibilities of the Director of Finance until such time as Council approves the Manager's appointment of a new Director of Finance.

236.025. - Acting Director of Finance.

- (a) The Director of Finance is hereby authorized and directed to also include the signature of the Mayor as an authorized and approved signature on the general checking account and payroll account. The Mayor shall sign checks only when the Director of Finance or Assistant Finance Director is not available.
- (b) The Assistant Finance Director or the Mayor shall receive no additional compensation for services rendered in the absence of the Director of Finance.

236.03. - Certification of unpaid assessments.

- (a) The Director of Finance is hereby ordered to certify any and all unpaid assessments to the county auditor immediately upon passage of this section (Ordinance 76-34, passed August 12, 1976), by certifying to the county auditor the name of the property owner assessed, the lot number, the services rendered, the amount unpaid and an additional ten percent administrative cost, pursuant to the provisions of the Ohio Revised Code for the collection of unpaid assessments.
- (b) The Director of Finance is hereby ordered, along with the certification set forth in division (a) of this section, to request the county auditor to place the amounts certified upon the tax list, together with the additional 10 percent administrative cost, to be collected with and in the same manner as state and county taxes and credited to the municipality.
- (c) The Director of Finance is hereby ordered to inform the county auditor that more than 30 days have intervened from the date of notice of the unpaid amount owed.
- (d) The Director of Finance is hereby ordered to affix a copy of the certification referred to in division (a) of this section and to forward a copy of this section with such certification to the county auditor, in addition to all other requirements contained in this section.

236.04. - Fire loss security fund; procedures for receipt and disbursement of fire loss insurance proceeds.

- (a) Pursuant to Ohio R.C. 3929.86, a fire loss security fund is hereby established.
- (b) Expenditures from this fund shall be restricted to the procedures set forth herein.
- (c) Any and all monies collected for the purpose of this section by the City of Monroe shall be deposited by the Director of Finance in the fund provided for herein.
- (d) Pursuant to Ohio R.C. 715.26(F), the City of Monroe shall accept security payments whenever a policy or policies of insurance are in force, provided that coverage against the peril of fire on a building or structure and the loss agreed to between the named insured or insureds and the company or companies is more than \$5,000.00 and equals or exceeds 60

percent of the aggregate limits of liability on all fire policies covering the building or structure on the property.

- (e) Pursuant to Ohio R.C. 3929.86, when loss due to fire damage agreed to between the named insured or insureds and the company or companies equals or exceeds 60 percent of the aggregate limits of liability on all fire policies covering the building or structure, the insurance company or companies shall transfer from the insurance proceeds to the designated officer of the City of Monroe in the aggregate \$2,000.00 for each \$15,000.00, and each fraction of that amount, of a claim, or, if at the time of a proof of loss agreed to between the named insured or insureds and the insurance company or companies, the named insured or insureds have submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, shall transfer from the insurance proceeds the amount specified in the estimate.
- (f) The transfer of proceeds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the City of Monroe shall be disbursed in accordance with the policy terms.
- (g) The named insured or insureds may submit a contractor's signed estimate of the costs of removing, repairing, or securing the building or other structure after the transfer, and the designated officer shall return the amount of the fund in excess of the estimate to the named insured or insureds, provided that the City of Monroe has not commenced to remove, repair or secure the building or other structure.
- (h) The Director of Finance is hereby designated as the officer designated to carry out the duties of this section.
- (i) Upon receipt of proceeds by the City of Monroe as authorized herein, the Director of Finance shall place the proceeds in the fire loss security fund to be used solely as security against the total cost of removing, repairing and securing incurred by the City of Monroe pursuant to Ohio R.C. 715.216.
- (j)
  - (1) When transferring the funds as required herein, an insurance company shall provide the City of Monroe with the name and address of the named insured or insureds, whereupon the City shall contact the named insured or insureds, certify that the proceeds have been received by the City, and notify them that the following procedures will be followed.
  - (2) That the fund shall be returned to the named insured or insureds when repairs, removal or securing of the building or other structure have been completed and the required proof has been received by the Director of Finance, if the City has not incurred any costs for the repairs, removal or securing. However, the fund shall be returned to the named insured or insureds no later than 60 days after the Director of Finance receives the required proof. If the City has incurred any costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund, and if excess funds remain, the City shall transfer, no later than 60 days after all such costs have been paid, the remaining funds to the named insured or insureds. Nothing in this section shall be construed to limit the ability of the City of Monroe to recover any deficiency under Ohio R.C. 715.261.
  - (3) Nothing in this section shall be construed to prohibit the City and the named insured or insureds from entering into an agreement that permits the transfer of funds to the named

insured or insureds if some other reasonable disposition of the damaged property has been negotiated.

- (k) Proof of payment by the company or companies of proceeds under a policy in accordance with this section is conclusive evidence of the discharge of its obligation to the insured under the policy to the extent of the payment and of compliance by the company or companies with this section.
- (l) Nothing in this section shall be construed to make an insurance company liable for any amount in excess of proceeds payable under its insurance policy or for any other act performed pursuant to this section, or to make the City or public official an insured under a policy of insurance, or to create an obligation to pay delinquent property taxes or unpaid removal liens or expenses other than as provided in this section.
- (m) An insurance company making payment of policy proceeds under this section for delinquent taxes or structure removal liens or removal expenses incurred by the City shall have the full benefit of such payment including all rights of subrogation and of assignment.
- (n) As used in this section "insurance company" or "insurer" includes the Ohio fair plan underwriting association as established in section 3929.43 of the Ohio Revised Code.
- (m) This section shall be liberally construed to accomplish its purpose to deter the commission of arson and related crimes, to discourage the abandonment of property, and to prevent urban blight and deterioration.
- (n) The Clerk of Council is hereby directed to certify a copy of this section for public record with the superintendent of insurance for fire losses occurring after the filing of said certified copy."

SECTION 4: Chapter 238 is hereby repealed and amended to read as follows:

"238.02. - Enforcement and education fund.

- (a) There is hereby established a special revenue account fund, No. 213, entitled the enforcement and education fund.
- (b) The sum of \$25.00 shall be taken from all fines paid to the mayor's court for violations of section 434.01 or 442.05 of these codified ordinances and deposited in the enforcement and education fund.
- (c) Funds so deposited shall be utilized by the Monroe Police Department for the enforcement of sections 434.01 and 442.05 and the education of the public regarding municipal ordinances governing the operation of a motor vehicle while under the influence of alcohol."

SECTION 5: Section 240.01 is hereby repealed in its entirety.

SECTION 6: Section 246.01 is hereby repealed in its entirety.

SECTION 7: Chapter 248 is hereby repealed in its entirety.

SECTION 8: Section 286.01 is hereby repealed in its entirety.

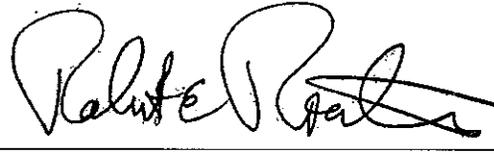
SECTION 9: This measure shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: April 26, 2016

ATTEST:

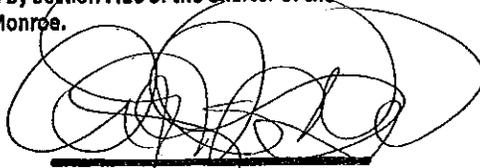
  
\_\_\_\_\_  
Clerk of Council

APPROVED:

  
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Mayor

*First Reading March 22, 2016*

"I, the undersigned Clerk of Council of the city of Monroe, Ohio, hereby certify the foregoing (ordinance or resolution) was published as required by Section 7.16 of the Charter of the City of Monroe.

  
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Clerk of Council  
City of Monroe, Ohio

This legislation was enacted in an open meeting pursuant to the terms and provisions of the Sunshine Law, Section 121.22 of the Ohio Revised Code.