

ORDINANCE NO. 6-91

AN ORDINANCE TO ADOPT THE 1991 REPLACEMENT PAGES FOR THE MODEL OHIO MUNICIPAL CODE PUBLISHED BY THE JUSTINIAN PUBLISHING COMPANY; TO REPEAL ORDINANCES IN CONFLICT THEREWITH AND TO DECLARE AN EMERGENCY.

WHEREAS, during the year January 1, 1990, through September 1, 1990, the General Assembly enacted numerous State laws that affect the Model Ohio Municipal Code, previously adopted by the Municipality;

WHEREAS, the Municipality is in need of having an up to date Code, one which is consistent with the latest State law, as required by Article XVIII, Section 3, of the Ohio Constitution, so that prosecutions can continue to be made under Municipal ordinance rather than State statute; and

WHEREAS, The Justinian Publishing Company has published a set of 1991 Replacement Pages for the Model Ohio Municipal Code, which Replacement Pages incorporate the latest State law through September 1, 1990, and, pursuant to authority previously given by the Municipality, has furnished the Municipality with sets of such Replacement Pages equal in number to the number of copies of the Model Code previously ordered by the Municipality;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF SPENCER, OHIO:

SECTION 1. Pursuant to Ohio R.C. 731.23, the 1991 Replacement Pages for the Model Ohio Municipal Code, prepared and promulgated by The Justinian Publishing Company of Cleveland, Ohio, are hereby adopted by and for the Municipality.

SECTION 2. All ordinances, resolutions and parts of ordinances and resolutions which are in conflict with any of the provisions of the 1991 Replacement Pages for the Model Ohio Municipal Code, adopted in Section 1 hereof, are hereby repealed. Those ordinances, resolutions and parts of ordinances and resolutions which are not in conflict with any provision of the 1991 Replacement Pages for the Model Ohio Municipal Code are hereby expressly excepted from repeal by this ordinance and shall continue in full force and effect until otherwise amended or repealed by Council.

SECTION 3. The enactment of this ordinance, including the 1991 Replacement Pages for the Model Ohio Municipal Code adopted herein and the repeal provided for in Section 2 hereof, shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the date of such enactment, or any action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in the violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of adoption of the 1991 Replacement Pages for the Model Ohio Municipal Code provided for herein.

SECTION 4. Pursuant to Ohio R.C. 731.21, 731.22 and 731.23, the Clerk of Council shall cause to be published a notice of the enactment of this ordinance, containing the title of the ordinance and a summary of the new matter covered by it, which summary is attached hereto and marked Exhibit "A."

EXHIBIT "A"

SUMMARY OF NEW MATTER
CONTAINED IN THE
1991 REPLACEMENT PAGES
FOR THE MODEL OHIO MUNICIPAL CODE

PART FOUR - TRAFFIC CODE

| | |
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| Chap. 402. | Definitions |
| .075 | Chauffeured limousine. |
| .29 | Public safety vehicle. |
| .53 | Vehicle. |
| Chap. 414. | Traffic Control Devices |
| .07 | Unauthorized signs and signals, hiding from view, advertising. |
| .08 | Alteration, injury, removal of traffic control devices. |
| .09 | Unauthorized possession or sale of devices. |
| Chap. 432. | Operation Generally |
| .205 | Stop signs on private roads and driveways. |
| Chap. 434. | DWI; Reckless Operation; Speed |
| .01 | Driving or physical control while under the influence; evidence. |
| .035 | Speed limits on private roads and driveways. |
| .08 | Vehicle homicide. |
| Chap. 436. | Licensing; Accidents |
| .01 | Driver's or commercial driver's license required. |
| .07 | Driving under suspension or revocation or in violation of license restrictions. |
| .09 | Display of license plates; registration; obstructions. |
| Chap. 438. | Safety and Equipment |
| .30 | Ignition interlock devices. |
| Chap. 440. | Commercial and Heavy Vehicles |
| .11 | Chauffeured limousines. |
| Chap. 442. | Drivers of Commercial Vehicles |
| .01 | Definitions. |
| .02 | Exclusions. |
| .04 | Physical qualification to operate commercial motor vehicles. |
| .05 | DWI. |

PART SIX - GENERAL OFFENSES CODE

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| Chap. 606. | General Provisions; Administration and Enforcement |
| .01 | Definitions. |
| .11 | Compounding a crime. |
| Chap. 612. | Alcoholic Beverages |
| .01 | Definitions. |
| .02 | Sales to underage persons; prohibitions and misrepresentations. |
| .06 | Posting liquor age and firearm warning signs. |
| .07 | Open container prohibited. |
| .08 | Hours of sale or consumption. |
| .09 | Conveying intoxicating liquor onto grounds of detention facilities or other institutions. |
| Chap. 624. | Drugs |
| .01 | Definitions. |
| .02 | Trafficking in marihuana. |
| .03 | Drug abuse. |
| .04 | Possession of drug abuse instruments. |
| .05 | Permitting drug abuse. |
| .06 | Deception to obtain a dangerous drug. |
| .07 | Abusing harmful intoxicants; trafficking. |
| .08 | Illegal dispensing of drug samples. |
| .12 | Controlled substance schedules. |
| .14 | Use or possession of paraphernalia. |
| Chap. 642. | Offenses Relating to Property |
| .01 | Definitions. |
| .02 | Theft. |
| .14 | Passing bad checks. |
| Chap. 648. | Peace Disturbances |
| .04 | Disorderly conduct. |
| Chap. 660. | Safety, Sanitation and Health |
| .08 | Open burning. |
| Chap. 666. | Sex Related Offenses |
| .01 | Definitions. |
| .02 | Corruption of a minor. |
| .03 | Sexual imposition. |
| Chap. 672. | Weapons and Explosives |
| .01 | Definitions. |
| Chap. 698. | Penalties and Sentencing |
| .02 | Penalties for misdemeanor. |