

ORDINANCE NO. 16-85

AN ORDINANCE ACCEPTING THE LOWEST AND BEST BID FOR THE NORTH MAIN STREET REPAVING IMPROVEMENT AUTHORIZING AND DIRECTING THE MAYOR AND CLERK TO ENTER INTO A CONTRACT FOR SUCH REPAVING IMPROVEMENT AND DECLARING AN EMERGENCY

BE IT ORDAINED, by the Council of the Village of Spencer, Ohio, three-fourths (3/4) of its members concurring herein, as follows:

1. The bid of Wenger Excavating, Inc. of 26 N. Cochran Street, Dalton, Ohio 44618

for the repaving improvement of North Main Street in accordance with the plans and specifications for such work on file with the Village Clerk is hereby declared to be the lowest and best bid and is hereby accepted by the Village of SPencer, Ohio.

2. The Mayor and the Clerk of the Village are hereby authorized and directed to enter into a contract with said successful bidder in a contractual form approved by the Village Solicitor.

3. Payment for the contractual services in the bid amount of \$ 33,684.50 are hereby authorized and directed by the Village Clerk in accordance with the contract and said payment shall be made from the appropriate fund.

4. This ordinance is hereby declared to be an emergency measure necessary for the preservation of public peace, health, safety and welfare of the Village of Spencer and for the particular reason that immediate acceptance of the bid and entering into the construction contract is necessary to complete the project during the current construction season and that this ordinance shall be in full force and effect from and after its passage.

PASSED: September 12, 1985

ATTEST:

Mayor

Clerk

AN ORDINANCE APPROVING, ADOPTING AND ENACTING THE 1985 EDITION OF THE MODEL OHIO MUNICIPAL CODE FOR THE VILLAGE OF SPENCER, OHIO; REPEALING ORDINANCES IN CONFLICT THEREWITH; PUBLISHING THE ENACTMENT OF NEW MATTER; AND DECLARING AN EMERGENCY.

WHEREAS, The Justinian Publishing Company, of Cleveland, has prepared and published a Model Ohio Municipal Code, incorporating the latest State law; and

WHEREAS, the Ohio Municipal Code, together with the new matter to be adopted, the matters to be amended and those to be repealed, are before the Council.

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

SECTION 1. The 1985 edition of the Ohio Municipal Code, published by the Justinian Publishing Company of Cleveland, is hereby approved, adopted and enacted by and for the Village of Spencer, Ohio.

One book-form copy of the 1985 edition of the Ohio Municipal Code shall be attached to this ordinance as a part hereof and filed with the permanent ordinance records of Spencer, Ohio.

SECTION 2. All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the 1985 edition of the Ohio Municipal Code are hereby repealed as of the effective date of this ordinance except as follows:

- (a) The enactment of the 1985 edition of the Ohio Municipal Code shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an 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 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 revision and codification.
- (b) The repeal provided above shall not affect:
  - (1) The grant or creation of a franchise, license, right, easement or privilege;
  - (2) The purchase, sale, lease or transfer of property;
  - (3) The appropriation or expenditure of money or promise or guarantee of payment;
  - (4) The assumption of any contract or obligation;
  - (5) The issuance and delivery of any bonds, obligations or other instruments of indebtedness;
  - (6) The levy or imposition of taxes, assessments or charges;
  - (7) The establishment, naming, vacating or grade level of any street or public way;
  - (8) The dedication of property or plat approval;
  - (9) The annexation or detachment of territory;
  - (10) Any legislation enacted subsequent to the adoption of this ordinance.

SECTION 3. 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 matters covered by it, which summary is attached hereto and marked "Exhibit A."

SECTION 4. This ordinance is hereby declared to be an emergency measure, immediately necessary for the preservation of the public peace, health and safety, such emergency existing by reason of the necessity of providing a Municipal Code that is consistent with the latest State law, as required by the Ohio Constitution, and this ordinance, including the 1985 edition of the Ohio Municipal Code adopted hereby, shall take effect and be in force immediately upon its passage by at least two-thirds of all the members elected to Council, otherwise from and after the earliest period allowed by law.

PASSED: August 28, 1985

Attest:

*Dolores M. Wray*  
Clerk

Village of Spencer

*J. E. Leary*  
Mayor