

ORDINANCE NO. 6-86

AN ORDINANCE TO ADOPT THE 1986 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, 1985, through December 31, 1985, 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 1986 Replacement Pages for the Model Ohio Municipal Code, which Replacement Pages incorporate the latest State law through January 1, 1986, 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 ENACTED BY THE COUNCIL OF SPENCER, OHIO:

SECTION 1. Pursuant to Ohio R. C. 731.23, the 1986 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the provisions of the 1986 Replacement Pages for the Model Ohio Municipal Code, adopted in Section 1 hereof, are hereby repealed.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 1986 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expressly excepted from repeal by this ordinance and shall continue in full force and effect until otherwise amended or repealed by Council.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 1986 Replacement Pages for the Model Ohio Municipal Code adopted herein and the repeal provided for in Section 4 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 1986 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."

SECTION 5. This ordinance is hereby declared to be an emergency ordinance.

## EXHIBIT "A"

### SUMMARY OF NEW MATTER CONTAINED IN THE 1986 REPLACEMENT PAGES FOR THE MODEL OHIO MUNICIPAL CODE

#### PART FOUR - TRAFFIC CODE

- Chap. 404.      Enforcement; Impounding
  - .05      Impounding of vehicles; redemption.
- Chap. 436.      Licensing; Accidents
  - .09      Display of license plates; registration; obstructions.
- Chap. 440.      Commercial and Heavy Vehicles
  - .02      Maximum width, height and length.
- Chap. 444.      Offenses Relating to Theft and Fraud
  - .01      Definitions.
  - .09      Disclosure of true readings.
- Chap. 452.      Parking Generally
  - .05      Willfully leaving vehicles on private or public property.

#### PART SIX - GENERAL OFFENSES CODE

- Chap. 606.      General Provisions; Administration and Enforcement
  - .21      Attempt.
- Chap. 618.      Animals
  - .01      Dogs and other animals running at large.
  - .08      Registration of dogs required.
  - .15      Reporting escapes.
- Chap. 636.      Offenses Relating to Persons
  - .10      Nonsupport of dependents.
  - .11      Endangering children.
  - .12      Interference with custody.
  - .125      Contributing to the unruliness or delinquency of a child.
  - .13      Consensual abortion.
  - .17      Domestic violence.
- Chap. 642.      Offenses Relating to Property
  - .28      Defrauding motor vehicle insurers. (Repealed)
  - .29      False statements alleging theft of motor vehicles. (Repealed)
- Chap. 660.      Safety, Sanitation and Health
  - .01      Venting of heaters and burners.
  - .04      Noxious odors; filthy accumulations; polluting and diverting watercourses