

ORDINANCE NO. 5-95

AN ORDINANCE APPROVING, ADOPTING AND ENACTING THE 1995 EDITION OF THE MODEL OHIO MUNICIPAL CODE, PUBLISHED BY THE JUSTINIAN PUBLISHING COMPANY, 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, consisting of Traffic and General Offenses Code components, which components are based upon and consistent with State law through January 1, 1995; and

WHEREAS, the Village is in need of a codification of such legislation, with which to administer the affairs of the Village, ensure law and order and avoid practical and legal entanglements; and

WHEREAS, Article XVIII, Section 3, of the Ohio Constitution requires that Village law be in conformity with State law in those areas specified therein;

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

SECTION 1. The 1995 edition of the Model Ohio Municipal Code, complete through January 1, 1995, and 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 such Model Code component 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or parts thereof that are in conflict or inconsistent with any provision of the Model Ohio Municipal Code are hereby repealed as of the effective date of this ordinance, except as follows:

- (a) The enactment of the Model 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

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 Model Ohio Municipal Code adopted hereby, shall take effect and be in force immediately upon its passage by at least two-thirds of all members elected to Council, otherwise from and after the earliest period allowed by law.

Robin M Coleman

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SUMMARY OF NEW MATTER  
CONTAINED IN THE 1995 EDITION  
OF THE  
MODEL OHIO MUNICIPAL CODE

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The following sections in the 1995 edition of the Model Ohio Municipal Code are or contain new matter, not previously enacted by the legislative authority of the Village, but adopted therein to be consistent with current State law, as required by Article XVIII, Section 3, of the Ohio Constitution:

PART FOUR - THE TRAFFIC CODE

Section 404.04	Emergency and public safety vehicles excepted from application of certain sections of Traffic Code.
408.02	General Traffic Code penalty.
416.11	Motorized wheelchair operators.
432.11	"U" turns restricted.
432.20	Right of way of public safety vehicle.
434.01	Driving or physical control while under the influence.
434.03	Speeding.
434.10	Vehicular homicide.
436.07	Driving under suspension or revocation or without proof of financial responsibility or in violation of license restrictions.
438.24	Tinted glass; materials on glass.
438.26	Bumpers.
438.28	Use of child restraints.
438.29	Use of occupant restraining devices.
452.04	Manner of parallel and angle parking; handicapped persons.

PART SIX - THE GENERAL OFFENSES CODE

Section 606.01	Definitions re General Offenses Code generally.
608.10	Having an unlawful interest in a public contract.
608.16	Disposition of property held by Police Department.
612.01	Definitions re alcoholic beverages.
612.02	Sales of alcoholic beverages to underage persons; prohibitions and misrepresentations.
612.03	Sales of alcoholic beverages to intoxicated persons.
612.06	Posting liquor age and firearm warning signs.
612.09	Conveying intoxicating liquor or cash onto grounds of detention facilities or other institutions.
612.10	Sales of low-alcohol beverages to underage persons; prohibitions and misrepresentations.
618.05	Cruelty to animals.
624.01	Definitions relating to drugs.
624.03	Drug abuse.
624.04	Possession of drug abuse instruments.
624.06	Use or possession of drug paraphernalia.
624.08	Illegal dispensing of drug samples.
624.14	Controlled substance schedules.
636.02	Assault.
636.12	Endangering children.