

ORDINANCE NO. 1-05

AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2005 EDITION, AS THE CODE OF ORDINANCES FOR THE VILLAGE OF SPENCER, OHIO, AND DECLARING AN EMERGENCY

WHEREAS, the present general and permanent ordinances of the Village of Spencer are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the Village and for the proper conduct of its affairs.

WHEREAS, American Legal Publishing Corporation publishes a Code of Ordinances suitable for adoption by municipalities in Ohio.

WHEREAS, it is necessary to provide for the usual daily operation of the Village of Spencer and for the immediate preservation of the public peace, health, safety, and general welfare of the Village that this Ordinance take effect at an early date.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Spencer, Ohio, as follows:

Section 1. American Legal Publishing's Ohio Basic Code, 2005 Edition, as reviewed and approved by the Council of the Village of Spencer, is hereby adopted and enacted. Any prior version of the Ohio Basic Code which may have been previously adopted by the Village is hereby repealed as obsolete and is hereby replaced in its entirety by this Ohio Basic Code, 2005 Edition.

Section 2. One copy of American Legal Publishing's Ohio Basic Code, 2005 Edition, certified as correct by the Mayor and Village Fiscal Officer of the Village of Spencer, as required by Ohio Revised Code § 731.23, shall be kept in its initial form on file in the office of the Village Fiscal Officer of the Village and retained as a permanent ordinance record of the Village. The Village Fiscal Officer of the Village is authorized and directed to publish a summary of all new matters contained in the Code of Ordinances as required by Ohio Revised Code § 731.23. Such summary is attached hereto and marked as "Exhibit A."

Section 3. All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the Ohio Basic Code, 2005 Edition, as adopted in Section 1



hereof, are hereby repealed as of the effective date of this Ordinance, except as follows:

(A) The enactment of the Ohio Basic Code, 2005 Edition, 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.

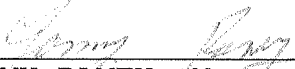
(B) The repeal provided above shall not affect:

- (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;
- (11) Any legislation specifically superseding the provision of the Ohio Basic Code.



Section 4. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety, and general welfare of the people of the Village of Spencer, and shall take effect at the earliest date provided by law.

Passed: January 26, 2005



TOMMY RAMEY, Mayor

Attest:



RHONDA R. RIFFLE, Village Fiscal Officer

CERTIFICATION OF CODIFIED ORDINANCES

We, Tommy Ramey, Mayor, and Rhonda R. Riffle, Village Fiscal Officer of the Village of Spencer, Ohio, pursuant to Ohio Revised Code §§ 731.23 and 731.42, hereby certify that the general and permanent ordinances of the Village of Spencer, Ohio, as revised, rearranged, compiled, renumbered as to sections, codified, and printed herewith in component codes and titles are correct as and constitute the Code of Ordinances for the Village of Spencer, Ohio.

TOMMY RAMEY, Mayor

RHONDA R. RIFFLE, Village Fiscal Officer

EXHIBIT A

OHIO BASIC CODE, 2005 EDITION – SUMMARY OF CONTENTS

Notice is hereby given that on the 26th day of January, 2005, there was enacted by the Council of the Village of Spencer, Ohio, an ordinance entitled "An Ordinance Approving, Adopting, and Enacting American Legal Publishing's Ohio Basic Code, 2005 Edition, as the Code of Ordinances for the Village of Spencer, Ohio."

A summary of the subjects, including all new matters contained in the Code of Ordinances, as adopted, are as follows. The majority of Basic Code provisions are based directly on state law.

TITLE I: GENERAL PROVISIONS

Chapter 10: General Provisions

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- 10.01 Short titles
- 10.02 Definitions
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- 10.04 Revivor; effect of amendment or repeal
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- 10.06 Conflicting provisions
- 10.07 Severability
- 10.08 Reference to offices
- 10.09 Errors and omissions
- 10.10 Ordinances repealed
- 10.11 Ordinances unaffected
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- 10.13 Application to future ordinances
- 10.14 Interpretation
- 10.15 Amendments to code; amendatory language
- 10.16 Statutory references
- 10.17 Preservation of penalties, offenses, rights and liabilities
- 10.18 Determination of legislative intent
- 10.99 General penalty

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- 30.03 Bonds of officers and employees; amount
- 30.04 Additional bond; where bonds recorded and kept
- 30.05 Approval of bonds
- 30.06 Sufficiency of form of bond
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- 31.08 Protest against excess of expenditures
- 31.09 Supervision of conduct of officers
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- 31.51 Administrator
- 31.52 Board of Trustees of Public Affairs
- 31.53 Fire Engineer, Engineer and Superintendent of Markets

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- 32.28 Contract restrictions
- 32.29 Award to lowest responsive and responsible bidder

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Signed:


TOMMY RAMEY, Mayor


RHONDA R. RIFFLE, Village Fiscal Officer