

ORDINANCE NO. 2-15

AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2015 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, three-fourths (3/4) of its members concurring herein as follows:

Section 1. American Legal Publishing's Ohio Basic Code, 2015 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 Any prior version of the Ohio Basic Code which may have been previously adopted by the Village is hereby repealed as obsolete and is hereby replaced in its entirety by this Ohio Basic Code, 2015 Edition.

Section 2. One copy of American Legal Publishing's Ohio Basic Code, 2015 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or inconsistent with any provision of the Ohio Basic Code, 2015 Edition, as adopted in Section 1 hereof, are hereby repealed as of the effective date of this Ordinance, except as follows: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, 2015 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. Whenever reference is made in any documents, publications, or signs of the municipality, including but not limited to traffic tickets and traffic-control signs, to a section as it existed in a former edition of the Ohio Basic Code, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered.

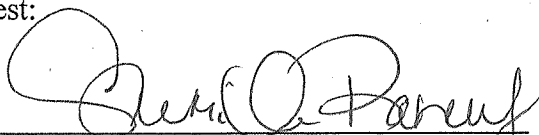
Section 5. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety, and general welfare of the people of the Village of Spencer, and shall take effect at the earliest date provided by law.

Passed: January 21, 2015



DAN DeROSSETT, Mayor


Attest:



SHERI RAMEY, Village Fiscal Officer

CERTIFICATION OF CODIFIED ORDINANCES

We, Dan DeRossett, Mayor, and Sheri Ramey, 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.



DAN DeROSSETT, Mayor



SHERI RAMEY, Village Fiscal Officer

EXHIBIT A

OHIO BASIC CODE, 2015 EDITION – SUMMARY OF CONTENTS

Notice is hereby given that on the 21st day of January, 2015, 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, 2015 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

Section

- 10.01 Short titles
- 10.02 Definitions
- 10.03 Rules of construction
- 10.04 Revivor; effect of amendment or repeal
- 10.05 Construction of section references
- 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
- 10.12 Ordinances saved
- 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

TITLE III: ADMINISTRATION

Chapter 30: General Provisions

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- 30.01 Application of Title III
- 30.02 Qualifications; oath
- 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
- 30.07 Filling vacancies in offices
- 30.08 Public records available
- 30.09 Records Commission
- 30.10 Meetings of public bodies to be open; exceptions; notice
- 30.11 Municipal officers may attend conference or convention; expenses
- 30.12 Residency requirements prohibited; exceptions

Chapter 31: Executive Authority

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- 32.025 Contracts by the Legislative Authority or Administrator
- 32.026 Bids and proceedings
- 32.027 Alterations or modifications of contract
- 32.028 Contract restrictions
- 32.029 Award to lowest responsive and responsible bidder

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- 32.040 Ordinances and resolutions as evidence
- 32.041 Passage procedure
- 32.042 Style of ordinances
- 32.043 Subject and amendment of ordinances and resolutions
- 32.044 Authentication and recording of ordinances and resolutions
- 32.045 Publication of ordinances and resolutions; proof of publication and circulation
- 32.046 Notice for proposed amendments to the municipal Charter
- 32.047 Times of publication required
- 32.048 Publication and certification of ordinances in book form
- 32.049 Adoption of technical ordinances and codes
- 32.050 Certificate of Clerk as to publication
- 32.051 Publication when no newspaper published in municipality
- 32.052 Effect of not making publication
- 32.053 Ordinances providing for appropriations or street improvements; emergency ordinances

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- 32.071 Referendum petitions
- 32.072 More than one ordinance required; application of subchapter
- 32.073 Presentation of petitions
- 32.074 Copy of proposed ordinance or measure to be filed with Clerk
- 32.075 Words to be printed in red
- 32.076 Designation of committee filing petition; public inspection of petitions; ordinances passed or repealed prior to election
- 32.077 Itemized statement by petition circulator
- 32.078 Prohibited practices relative to petitions
- 32.079 Accepting premiums for signing
- 32.080 Threats in securing signatures
- 32.081 Application of subchapter if Charter adopted

Chapter 33: Judicial Authority

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- 33.01 Jurisdiction in ordinance cases and traffic violations
- 33.02 Powers of Mayor and Mayor's Court Magistrate in criminal matters
- 33.03 Duties of Mayor and Mayor's Court Magistrate; fees; office; seal
- 33.04 Mayor's Court Magistrate
- 33.05 Powers to suspend driver's license in OVI cases

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- 33.20 Summary punishment for contempt
- 33.21 Acts in contempt of court
- 33.22 Hearing
- 33.23 Contempt action for failure to pay support, failure to comply or interference with a visitation order; summons
- 33.24 Right of accused to bail
- 33.25 Hearing on contempt; penalties; support orders; failure to withhold or deduct money pursuant to support order
- 33.26 Imprisonment until order obeyed
- 33.27 Proceedings when party released on bail fails to appear

TITLE V: PUBLIC WORKS

[Reserved]

TITLE VII: TRAFFIC CODE

Chapter 70: General Provisions

Section

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- 70.01 Definitions
- 70.02 Compliance with order of police officer
- 70.03 Emergency vehicles to proceed cautiously past red or stop signal
- 70.04 Exceptions generally; emergency, public safety and coroner vehicles exempt
- 70.05 Persons riding or driving animals upon roadways
- 70.06 Prohibitions against pedestrians and slow-moving vehicles on freeways
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- 70.08 Names of persons damaging real property by operation of vehicle to be provided to owner
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- 70.11 Officer may remove ignition key
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- 70.31 Signal lights
- 70.32 Signals over reversible lanes
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Chapter 71: Licensing Provisions

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- 71.02 Improper use of noncommercial motor vehicle
- 71.03 Operating motor vehicle ordered immobilized; forfeiture
- 71.04 Operation or sale without certificate of title
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- 71.21 Permitting minor to operate vehicle prohibited; temporary instruction permit; probationary license
- 71.22 License required as driver or commercial driver on public or private property; nonresident exemption
- 71.23 Employment of a minor to operate a taxicab prohibited
- 71.24 Restriction against owner lending vehicle for use of another
- 71.25 Suspension of driver's licenses; license suspended by court of record
- 71.26 Display of license
- 71.27 Prohibition against false statements
- 71.28 Driving under suspension or in violation of license restriction

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- 72.093 School bus inspection
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- 72.095 Licensing by Department of Public Safety
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- 72.118 Driving upon sidewalk area or paths exclusively for bicycles
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- 72.121 Driving over unprotected fire hose
- 72.122 Placing injurious material on highway or depositing litter from motor vehicle
- 72.123 Transporting child not in child-restraint system prohibited
- 72.124 Occupant restraining devices
- 72.125 Use of engine brakes prohibited
- 72.126 Operating motor vehicle while wearing earphones or earplugs
- 72.127 Chauffeured limousines and livery services
- 72.128 Operating traction engine upon improved highway
- 72.129 Cracking exhaust noises; peeling out
- 72.130 Shortcutting across private property
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- 73.02 Implied consent
- 73.03 Physical control of vehicle while under the influence
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- 75.33 Local control within police power
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- 76.02 Condition when motor vehicle left unattended
- 76.03 Police may remove illegally parked vehicle
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- 96.23 Engine warm-up required
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- 96.25 Operation without personal flotation devices prohibited
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- 96.27 Anchor requirements
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- 96.32 Exhaust muffler required; noise levels; exceptions
- 96.33 Safety equipment on rental vessels
- 96.34 Capacity plate
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- 96.37 Prima facie evidence of negligence
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- 96.40 Registration
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- 96.43 Accident reports
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- 96.45 Firearms offenses; signaling devices
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- 96.47 Certificate of title; exceptions
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- 134.10 Prohibitions where instant bingo game is conducted
- 134.11 Raffle drawings
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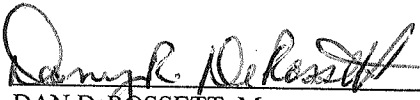
- 135.01 Definitions
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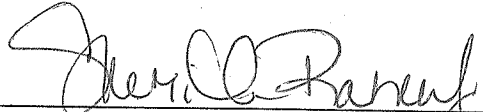
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- 136.19 Making false allegation of peace officer misconduct
- 136.20 Misuse of 9-1-1 system
- 136.21 Failure to disclose personal information

This summary of contents has been verified and authorized for publication by the Council of the Village of Spencer, Ohio.

Signed: 
DAN DeROSSETT, Mayor


SHERI RAMEY, Village Fiscal Officer