

ORDINANCE NO. 2016-01
Village of New Richmond , Ohio

Council for the Village of New Richmond, Ohio met in regular session this 26th day of January 2016 with the following members present:

Richard Feldkamp
Richard Hilt

Paul Vanderbosch
Amanda Davidson

Mary Allen
Gary Skeene

Councilperson Feldkamp moved for adoption of the following:

AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2016 EDITION, AS THE CODE OF ORDINANCES FOR THE MUNICIPALITY OF New Richmond, Ohio AND DECLARING AN EMERGENCY.

WHEREAS, the present general and permanent ordinances of the municipality 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 municipality 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 municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date.

WHEREAS, this action is retroactive to January 1, 2016.

NOW, THEREFORE BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE MUNICIPALITY OF New Richmond, Ohio:

Section 1. American Legal Publishing's Ohio Basic Code, 2016 Edition, as reviewed and approved by the Legislative Authority, is hereby adopted and enacted. Any prior version of the Ohio Basic Code which may have been previously adopted by the municipality is hereby repealed as obsolete and is hereby replaced in its entirety by this Ohio Basic Code, 2016 Edition.

Section 2. One copy of American Legal Publishing's Ohio Basic Code, 2016 Edition, certified as correct by the Mayor and Clerk of the Legislative Authority, as required by Ohio Revised

Code § 731.23, shall be kept in its initial form on file in the office of the Clerk of the municipality and retained as a permanent ordinance record of the municipality. The Clerk of the municipality 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 provisions of the Ohio Basic Code, 2016 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, 2016 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 take effect:

- (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 this municipality, and shall take effect at the earliest date provided by law.

Section 6. This action is retroactive to January 1, 2016.

Council Person Skeene seconded the motion to adopt the foregoing Ordinance and upon roll call the vote was as follows:

Richard Feldkamp yes
Paul Vanderbosch yes
Richard Hilt yes
Amanda Davidson yes
Gary Skeene yes
Mary Allen yes

Date

Passed 1/26/16

Attest:

X

Ramona Carr

Ramona Carr
Mayor

X

Kelly Painter

Kelly Painter
Clerk of the Legislative Authority

X

Matthew Faris

Matthew Faris
Solicitor

Exhibit A

OHIO BASIC CODE, 2016 EDITION — SUMMARY OF CONTENTS

Notice is hereby given that on the 26th day of January, 2016, there was enacted by the Legislative Authority of the Municipality of Village of New Richmond, Ohio, an ordinance entitled "An Ordinance Approving, Adopting and Enacting American Legal Publishing's Ohio Basic Code, 2016 Edition, as the Code of Ordinances for the Municipality of Village of New Richmond, 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

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Chapter 30: General Provisions

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30.01	Application of Title III
30.02	Qualifications; oaths
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

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	<i>General Provisions</i>
31.001	Executive power; where vested

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- 32.026 Bids and proceedings
- 32.027 Alterations or modifications of contract
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- 32.029 Award to lowest responsive and responsible bidder

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- 32.042 Style of ordinances
- 32.043 Subject and amendment of ordinances and resolutions
- 32.044 Authentication and recording of ordinances and resolutions
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- 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
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- 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

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- 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
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- 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
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[Reserved]

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- 72.091 Violation of regulations; report; investigation; citation; warning
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- 72.098 Flashing light signal lamps
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- | | |
|---------|--|
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- 136.12 Interfering with civil rights
- 136.13 Illegal conveyance of prohibited items onto grounds of a detention facility or other specified governmental facilities
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- 136.16 Disclosure of confidential peace officer information
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- 136.18 Using sham legal process
- 136.19 Making false allegation of peace officer misconduct
- 136.20 Misuse of 9-1-1 system
- 136.21 Failure to disclose personal information



AMERICAN LEGAL

Public Policy Institute

To: Village Officials

January 2016

Re: *Subscription to the Ohio Basic Code, 2016 Edition*

Thank you for your subscription to the *Ohio Basic Code, 2016 Edition*. This model Code of Ordinances has been adopted by the Village as their own Code, and the 2016 Edition replaces any previous editions of the Village Code. Please note, however, that if you have received a looseleaf "Title 17: Municipal Regulations," this **Title 17 is not affected by this 2016 Edition and should be retained**. Please mail any Village ordinances to update your Title 17 to our office at your earliest convenience.

Enclosed you will also find a sample adopting ordinance, a summary of new matter (for publication notification), and a certification of codified ordinances, all provided for your convenience in adopting the *Ohio Basic Code, 2016 Edition*.

We are pleased to provide the *Ohio Basic Code, 2016 Edition*, and we look forward to continuing to serve Ohio villages.

Very truly yours,

Todd Paul Myers, J.D.
Vice President, Major Client Services
tmyers@amlegal.com

ORDINANCE NO. _____

AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2016 EDITION, AS THE CODE OF ORDINANCES FOR THE MUNICIPALITY OF _____, OHIO, AND DECLARING AN EMERGENCY.

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- (A) The enactment of the Ohio Basic Code, 2016 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.

CERTIFICATION OF CODIFIED ORDINANCES

We, Ramona Carr, Mayor, and Kelly Painter, Clerk of the Legislative Authority, of the Municipality of Village of New Richmond, Ohio, pursuant to Ohio Revised Code §§ 731.23 and 731.42, hereby certify that the general and permanent ordinances of the Municipality, 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 Municipality of Village of New Richmond Ohio.

Ramona Carr


Mayor


Kelly Painter

Clerk of the Legislative Authority

This summary of contents has been verified and authorized for publication by the Legislative Authority of the Municipality of Village of New Richmond, Ohio.

Signed:


Mayor


Clerk of the Legislative Authority