ORDINANCE NO. 95-05

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 BUCKEYE LAKE, 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 Administration, 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 BUCKEYE LAKE, 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 Buckeye Lake, 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 Buckeye Lake, 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or parts thereof that are in conflict or inconsistent with any provision of the Model Ohio Municipal Code are hereby repealed as of the effective date of this ordinance, except as follows: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 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.

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.

Antoinette Hanna
Clerk

James L. Barker