ORDINANCE NO. 96-08

AN ORDINANCE TO ADOPT THE 1996-B REPLACEMENT PAGES FOR THE MODEL OHIO MUNICIPAL CODE PUBLISHED BY THE JUSTINIAN PUBLISHING COMPANY; TO REPEAL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND TO DECLARE AN EMERGENCY.

WHEREAS, during the period January 1, 1995, through September 5, 1995, the Ohio General Assembly enacted numerous State laws that affect the Model Ohio Municipal Code, previously adopted by the Municipality; and

WHEREAS, the Municipality is in need of having an up to date Code of laws, one which is consistent with the latest State law, as required by Article XVIII, Section 3, of the Ohio Constitution, so that prosecutions can continue to be made under Municipal ordinance rather than State statute; and

WHEREAS, one of the Bills enacted by the General Assembly during the aforesaid period, namely Am. Sub. S.B. No. 2, being a major revision of the State Traffic and Criminal Codes, could not be integrated as part of the 1996-A Replacement Pages for the Model Ohio Municipal Code (prepared in January, 1996) because the relevant provisions of such Bill did not become effective until July 1, 1996; and

WHEREAS, The Justinian Publishing Company has published a set of 1996-B Replacement Pages for the Model Ohio Municipal Code, which Replacement Pages incorporate the changes effected by Am. Sub. S.B. No. 2, and, pursuant to authority previously given by the Municipality, has furnished the Municipality with sets of such Replacement Pages equal in number to the number of copies of the Model Ohio Municipal Code previously ordered by the Municipality;

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF BUCKEYE LAKE, OHIO:

SECTION 1. Pursuant to Ohio R.C. 731.23, the 1996-B Replacement Pages for the Model Ohio Municipal Code, prepared and promulgated by The Justinian Publishing Company of Cleveland, Ohio, are hereby adopted by and for the Municipality.

SECTION 2. All ordinances, resolutions and parts of ordinances and resolutions which are in conflict with any of the provisions of the 1996-B Replacement Pages for the Model Ohio Municipal Code, adopted in Section 1 hereof, are hereby repealed. Those ordinances, resolutions and parts of ordinances and resolutions which are not in conflict with any provision of the 1996-B Replacement Pages for the Model Ohio Municipal Code are hereby expressly excepted from repeal by this ordinance and shall continue in full force and effect until otherwise amended or repealed by Council.

SECTION 3. The enactment of this ordinance, including the 1996-B Replacement Pages for the Model Ohio Municipal Code adopted herein and the repeal provided for in Section 2 hereof, shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the date of such enactment, or any 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 the 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 adoption of the 1996-B Replacement Pages for the Model Ohio Municipal Code provided for herein.

SECTION 4. 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 matter covered by it, which summary is attached hereto and marked Exhibit "A."

SECTION 5. The following sections in the Model Ohio Municipal Code are hereby repealed:

666.12 (Pandering obscenity)
666.13 (Possession and viewing of obscene material involving a minor)

SECTION 6. This ordinance is hereby declared to be an emergency measure, the reason for the emergency being the necessity of having an up to date Code of laws, one which is consistent with the latest State law, as required by the Ohio Constitution, and this ordinance, therefore, and the 1996-B Replacement Pages for the Model Ohio Municipal Code hereby adopted, shall become effective immediately upon its passage by at least two-thirds of the members of Council; otherwise, from and after the earliest period allowed by law.

The undersigned, Clerk/Treasurer of the Village of Buckeye Lake, Ohio, hereby certifies that this Ordinance 96-08 was posted pursuant to Section 731.25 of the Ohio Revised Code and posted in at least six (6) designated public places from the 7 of August, 1996 until the 12 day of September, 1996

CLERK/TREASURER OF THE VILLAGE
OF BUCKEYE LAKE, OHIO