ORDINANCE 2010-01

AN ORDINANCE APPROVING, ADOPTING AND ENACTING THE 2010 EDITION OF THE MODEL OHIO MUNICIPAL CODE – ADMINISTRATION CODE, AS REVISED THROUGH OCTOBER 6, 2009, PUBLISHED BY AMERICAN LEGAL PUBLISHING FOR THE VILLAGE OF BUCKEYE LAKE, OHIO; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; PUBLISHING THE ENACTMENT OF NEW MATTER; AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation has prepared and published a model Ohio municipal Code – Administration Code, as revised through October 6, 2009, which components are based upon and consistent with State law through October 6, 2009: 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 XVIll, 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 VILLAGE COUNCIL of Buckeye Lake, Ohio:

SECTION 1. The 2010 Edition of the Model Ohio Municipal Code – Administration Code, as published by American Legal Publishing Corporation, is hereby approved, adopted and enacted by and for the Village.

SECTION 2. One book-form copy of the 2010 Edition of this Model Ohio Municipal Code shall be attached to this ordinance as a part hereof and filed with the permanent ordinance records of the Village.

SECTION 3. All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the 2010 Edition of the Model Ohio Municipal Code, as adopted in Section 1 hereof are repealed as of the effective date of this ordinance, except as follows:

A. The enactment of the 2010 Edition of the Model Ohio Municipal Code shall not be constructed 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 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 therefore. 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 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 summary of the new matters covered by it, which summary is attached hereto and marked "Exhibit A".

Section 5. 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 2009 Edition of the Model Ohio Municipal Code adopted hereby, shall take effect and be in force immediately upon its passage by at least three-fourths of all members elected to Council, otherwise from and after the earliest period allowed by law.

Passed this 11th day of JANUARY, 2010

ATTEST:

CHARLENE HAYDEN, Council President

RICHARD E. BAKER, Mayor