

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2017-01 Passed January 18, 2017

AN ORDINANCE PROVIDING FOR ELECTION ON AN ORDINANCE PROPOSED BY INITIATIVE PETITION IN CITY OF BROOKVILLE, OHIO

WHEREAS, Section 10.01 of the Charter of the City of Brookville provides that any proposed ordinance or resolution may be submitted to the City Council by petition signed by electors equal in number to ten percent of the number of votes cast in the last proceeding regular municipal election; and

WHEREAS, a petition proposing an Ordinance entitled AN ORDINANCE REPEALING ORDINANCE 2016-08 was submitted to City Council by petition signed by sufficient valid signatures of qualified electors of the City of Brookville; and

WHEREAS, the Council of the City of Brookville considered the proposed Ordinance, and rejected the proposed ordinance by vote taken December 20, 2016; and

WHEREAS, within ten days after final action taken by City Council on December 20, 2016, the committee of the petitioners certified to the Clerk of Council the form of the proposed Ordinance to be submitted to a vote of the electors of the City of Brookville; and

WHEREAS, under 10.01 (H), City Council is required to forthwith submit the proposed ordinance to the electors "on the next primary or general election day to be held with the Municipality, provided that such election day shall occur at least 45 days after the receipt of the proposed ordinance from the Clerk of Council;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, THAT:

SECTION I: The question of the adoption of the proposed Ordinance entitled AN ORDINANCE REPEALING ORDINANCE 2016-08, as hereinafter set forth, shall be submitted to a vote of qualified electors of the City of Brookville, Ohio at a primary election to be held on Tuesday, May 2, 2017, during the regular hours of voting, on such date, prescribed by general law. The proposed Ordinance shall read as follows:

Ordinance Proposed by Initiative Petition

AN ORDINANCE REPEALING ORDINANCE NO. 2016-08

WHEREAS, Ordinance No. 2016-08 was previously passed on June 7, 2016 a copy of said Ordinance is attached hereto Exhibit A; and

WHEREAS, Ordinance No. 2016-08 amends Section 194.081 of the City of Brookville Municipal Income Tax Code to limit the credit for tax paid to another municipality to one percent (1%) of the income subject to taxation to provide additional revenue to the City of Brookville; and

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WHEREAS, Ordinance No. 2016-08 was passed as emergency legislation denying the citizens of Brookville the right to referendum.

WHEREAS, as a result the Council of the City of Brookville desires to repeal Ordinance 2016-08.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:

SECTION I: Ordinance No. 2016-08 is hereby repealed.

SECTION II: This Ordinance shall take effect from and after the earliest period allowed by law.

SECTION III: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an Open Meeting of this Council and all deliberation of this Council were in a Meeting open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

The ballots for the election shall, at the top thereof, be entitled "City of Brookville Initiative Ballot" and the question to be submitted on said ballot shall be in the following words: Shall the proposed Ordinance entitled AN ORDINANCE REPEALING ORDINANCE 2016-08 of the City of Brookville, Ohio be adopted? Provision shall be made by the Montgomery County Board of Elections for voting on such question.

SECTION II: The Director of Law is hereby directed to make the necessary arrangements with the Montgomery County Board of Elections for giving notice, conducting such election, and placing the question on the ballot.

SECTION III: The Clerk of Council is hereby directed to certify a copy of this Ordinance to the Montgomery County Board of Elections.


SECTION IV: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION V: This Ordinance shall take effect immediately after its passage as provided by the Section 4.07(A)(3) of the Charter of the City of Brookville, Ohio.

PASSED this 18th day of January, 2017.

ATTEST:

  
MEGHAN WHEELER, CLERK

  
DAVID E. SEAGRAVES, MAYOR

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CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance 2017- 01, passed by the Council of the City of Brookville, Ohio, on the 18th day of January, 2017.

  
MEGHAN WHEELER, CLERK

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance 2017-01, was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 19TH day of January, 2017 to 18th day of February, 2017, both days inclusive.

  
MEGHAN WHEELER, Clerk