

RECORD OF ORDINANCES

Dayton Legal Blank Co.—10116

Ordinance No. 1987-05

Passed August 4, 1987

AN ORDINANCE APPROVING THE PASSAGE AND CODIFICATION OF NEW ZONING ORDINANCES FOR THE MUNICIPALITY OF BROOKVILLE, OHIO, ADDING NEW MATTER REPEALING VARIOUS ZONING ORDINANCES WHICH WERE IN AFFECT PRIOR THERETO.

WHEREAS, the zoning ordinances of the Municipality of Brookville, Ohio, are inadequate as a result of a change of conditions as well as a change in the model plan for the Municipality of Brookville, Ohio; and

WHEREAS, the Ordinances in their present form, may in some cases prove to be inadequate and insufficient in both form and substance for the proper preservation of the public peace, health, safety and welfare of the Municipality of Brookville, Ohio; and

WHEREAS, the Municipal Charter at Section 4.11 provides that the Council, by majority vote, may establish, amend, revise, change, or repeal zoning classifications; and

WHEREAS, Council has by majority vote authorized the Municipal Manager to contract with the Miami Valley Regional Planning Commission to prepare new zoning ordinances for the Municipality of Brookville, Ohio, in compliance with the new plan already prepared by the same body at the request of Council; and

WHEREAS, the new zoning ordinances have been completed and volumes of the new zoning ordinances have been delivered to the Municipal Clerk's Office; and

WHEREAS, Section 411 of the Charter provides that such zoning ordinances may be established as set forth above upon approval by a majority vote of Council after three meetings and a public hearing; and

WHEREAS, the Municipal Council now desires to approve such new zoning ordinances as are set forth in the new zoning ordinances prepared by the Miami Valley Regional Planning Commission.

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

SECTION 1. Under the zoning code of the Municipality as it has been revised, arranged, compiled and numbered as to section is hereby approved, adopted and enacted and it is expressly understood and approved that it shall not be codified within the Code of Ordinances of the Municipality of Brookville, Ohio.

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SECTION 2. The Zoning Code of Brookville, Ohio, as described hereinbefore and therein designated, and all provisions thereof, shall take effect and be in force immediately upon passage of this ordinance pursuant to the requirements of law as set forth in the Charter of the Municipality of Brookville, Ohio.

SECTION 3. Each Section and each part of each section of the zoning code of Brookville, Ohio, is hereby declared to be an independent section or part of a section and notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section, or any provision thereof, or the application thereof, to any person or circumstances, is held to be invalid, the remaining section or parts of sections and the application of such provision to any other person or circumstances, other than those to which it is held invalid, shall not be effected thereby, and it is hereby declared to be the legislative intent that the Zoning Code of Brookville, Ohio, would have been adopted independently of such section, sections or part of a section so held to be invalid.

SECTION 4. The Brookville Zoning Code as described hereinbefore contains all of the provisions of a general and permanent nature pertaining to zoning as enumerated and embraced therein. All prior ordinances and parts of ordinances which are incorporated in or pertain to the objects enumerated and embraced in the Zoning Code of Brookville, Ohio, specifically Chapters 150 and 154 of the Brookville Municipal Code of Ordinances are hereby repealed effective on passage of this Ordinance.

SECTION 5. The repeal of ordinances as provided in Section hereof shall not affect:

- A. All ordinances of a temporary or special nature, and all other ordinances pertaining to subjects not enumerated or embraced in the Brookville Municipal Code of Ordinances;
- B. Any offense or act committed or done or any penalty or forfeiture incurred, or any contract or right established accruing before the passage of this Ordinances;
- C. Any ordinance or resolution, promising or guaranteeing the payment of money to or by the Municipality, authorizing the issuance of any bonds, or notes of the Municipality or any other evidence of the Municipality's indebtedness, or any contract or obligation assumed by the Municipality;

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- D. The administrative ordinances or resolutions of this Council not in conflict or inconsistent with the provisions of the Brookville Municipal Code of Ordinances;
- E. Any right or franchise conferred by any ordinance or resolution of this Council to any person or corporation;
- F. Any ordinance naming, relocating or vacating any street or public way, or any ordinance identifying stop streets at intersections, one-way streets or any other traffic regulations;
- G. Any ordinance levying or imposing taxes, assessments, or charges;
- H. Any ordinance fixing salaries, wage rates, fringe benefits or other emoluments or compensation of City officers and employees;
- I. Any prosecution, suit or other proceeding pending, or any judgment rendered on or prior to the effective date of this Ordinance;
- J. Any ordinance which may be adopted by this Council after the effective date of this Ordinance.

SECTION 6. It is expressly understood that the Municipality of Brookville Planning Commission has determined that it is necessary to make certain changes with regards to the zoning districts of the Village of Brookville, Ohio, and has made certain recommendations after the public hearing held according to the Charter of the Municipality of Brookville, Ohio, on the 16th day of June, 1987 and those changes appearing to be reasonable according to the present and proposed uses for the land as provided for in the model plan for the Municipality of Brookville, Ohio, it is hereby further ordained that the zoning districts be amended and modified as per the recommendations of the Brookville Planning Commission. A map of such changes being attached hereto and marked Exhibit "A" for reference.

SECTION 7. It is further ordained that Sections 151 and 152 as codified in the Brookville Municipal Code of Ordinances are hereby reaffirmed, in so far as they do not conflict with the zoning ordinances as passed by this Ordinances, however, it is further ordained that they shall be deleted from the Brookville Municipal Code of Ordinances and shall be kept with the other ordinances and materials and regulations regarding land usage within the boundaries of the Municipality of Brookville, Ohio.

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ATTEST:


E. EUGENE ROESER, Clerk


GEORGE E. BROWN, Mayor

CERTIFICATE

The undersigned, Clerk of the Municipality of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 1987-05 passed by the Council of said Municipality on the 4th day of August, 1987.


E. EUGENE ROESER, Clerk

CERTIFICATION OF POSTING

The undersigned, Clerk of Council of the Municipality of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 1987-05 was posted at the Municipal Building, U.S. Post Office and the Brookville National Bank, Brookville, Ohio, on the 13th day of August, 1987 to the 11th day of September, 1987, both days inclusive.


E. EUGENE ROESER, Clerk