

RECORD OF ORDINANCES

Dayton Legal Blank Co. 10114

Ordinance No. 1980- 11

Passed September 2, 1980

AN ORDINANCE APPROVING THE CODIFICATION OF THE ORDINANCES OF THE MUNICIPALITY OF BROOKVILLE, OHIO, ADDING NEW MATTER AND REPEALING VARIOUS ORDINANCES AND DECLARING AN EMERGENCY.

WHEREAS, the Ordinances of the Municipality of Brookville are inadequately arranged in regard to titles, topics, and subject matter, some sections being now insufficient in form and substance for the proper reservation of the public peace, health, safety, and welfare of the Municipality and for the proper conduct of its affairs, and

WHEREAS, the Municipal Charter at Section 4.13 provides that Council by majority vote may cause the ordinances of the Municipality to be revised, codified, rearranged and published in book form, and

WHEREAS, council has by majority vote authorized the Municipal Manager to contract with the American Legal Publishing Company to codify the ordinances of the Municipality of Brookville and

WHEREAS, American Legal Publishing Company has completed the codification and delivered the volumes to the Municipal Clerk's Office and

WHEREAS, Section 4.13 of the Charter provides that such codification in book form shall immediately be effective upon approval by a majority vote of Council and

WHEREAS, Council now desires to approve such codification.

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

Section 1. Codification The general and permanent ordinances of the Municipality are revised, arranged, compiled and numbered as to sections into the following component titles: I - General Provisions; III - Administration; V - Public Works; VII - Traffic Code; IX - General Regulations; XI - Business Regulations; XIII - General Offenses; XV - Land Usage.

Section 2. Adoption of Codified Ordinances

- A. The general and permanent ordinances of the Municipality, so revised, arranged, compiled and numbered as to section and codified, are hereby approved, adopted and enacted.
- B. One copy of the Brookville Municipal Code of Ordinances shall be kept in its initial form on file in the office of the Clerk of the Municipality and retained as a permanent ordinance record of the Municipality.

Section 3. Effective Date The Brookville Municipal Code of Ordinances, consisting of the various titles as hereinbefore and therein

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designated, and all provisions thereof, shall take effect and be in force immediately upon passage of this Ordinance.

Section 4. Other Amendments and Supplements The Brookville Municipal Code of Ordinances may be amended or supplemented at any time and, when any amendment or supplement is adopted in such form as to indicate the intention of Council to make the same a part thereof, such amendment or supplement shall be incorporated in, and deemed a part of, the Brookville Municipal Code of Ordinances so that any reference to the Brookville Municipal Code of Ordinances shall be understood and construed as including the Brookville Municipal Code of Ordinances, and any and all such amendments and supplements thereto.

Section 5. Form of Amendment or Supplement All amendments and supplements enacted as a part of the Brookville Municipal Code of Ordinances shall be integrated therewith by following the form of arrangement and plan hereby and therein adopted. Each title shall be sub-divided into chapters, and each chapter shall be sub-divided into sections.

Section 6. How Known and Cited The codification hereby adopted and any and all amendments and supplements which may be adopted shall be officially denominated and referred to as the "Brookville Municipal Code, 1980".

Section 7. Master Copy The Clerk of Council, in addition to the book form copy in its initial form to be kept on file in his office pursuant to Section 2 hereof, shall keep a complete master copy in book form and in connection therewith or attached thereto in such form and manner as he may determine to be most easily available for most easy reference, a copy of all amendments and supplements bearing such title, chapter or section designations as may be proper. If in doubt as to such designation, the Clerk of Council shall be guided by the advice of the Law Director.

Section 8. Separability Each section and each part of each section of the Brookville Municipal Code of Ordinances 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 sections or parts of sections and the application of such provision to any other person or circumstances, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the Brookville Municipal Code of Ordinances would have been adopted independently of such section, sections, or part of a section so held to be invalid.

Section 9. Repeal of Prior Ordinances The Brookville Municipal Code of Ordinances contains all of the provisions of a general and permanent nature pertaining to the subjects therein enumerated and embraced. All prior ordinances, and parts of ordinances which are incorporated in or

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September 2, 19 80

pertain to the subjects enumerated and embraced in the Brookville Code of Ordinances of the Municipality of Brookville are hereby repealed effective upon passage of this Ordinance.

Section 10. Prior Ordinances not Affected by Repeal The repeal of ordinances as provided in Section 9 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 Ordinance;
- 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;
- 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.

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Dayton Legal Blank Co. 10114

Ordinance No. 1980-11

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Section 11. Miscellaneous

- A. Pursuant to the notice provisions of Section 4.13 of the Municipal Charter, the Clerk of Council is hereby directed to publish this Ordinance approving said codification in a newspaper of circulation in the Municipality one time.
- B. The Clerk of Council is authorized to sell to the public to the extent they are not needed by the Municipality, the codification or any component title thereof, as well as supplements hereafter published, at such prices as the Clerk of Council may from time to time determine, considering overhead, handling and other related costs of the Municipality. The Clerk of Council is also authorized to exchange copies of the Brookville Municipal Code of Ordinances with other Municipalities extending like courtesy to the Municipality of Brookville.
- C. The Clerk of Council shall prepare and distribute periodically, the amendments and supplements to the Brookville Municipal Code of Ordinances, which shall be prepared and published no less than once per year insofar as is possible and practicable.

Section 12. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare. It shall therefore take effect immediately upon passage by two-thirds of the members of Council.

Passed this 2nd day of September, 1980.

ATTEST:

E. Eugene Roeser
E. Eugene Roeser, Clerk

Robert N. Apgar
Robert N. Apgar, 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. 1980-11 passed by the Council of said Municipality on the 2nd day of Sept., 1980.

E. Eugene Roeser
E. Eugene Roeser, Clerk

RECORD OF ORDINANCES

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Ordinance No. 1980-11

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CERTIFICATION OF POSTING

The undersigned, Clerk of Council of the Municipality of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 1980-11 was posted at the Municipal Building, U. S. Post Office and the Brookville National Bank, Brookville, Ohio on the 9th day of September, 1980 to the 8th day of October, 1980 both days inclusive.

E. Eugene Roeser
E. Eugene Roeser, Clerk

CERTIFICATION OF PUBLICATION

The undersigned, Clerk of Council of the Municipality of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 1980-11 was published in the Brookville Star on the 10th day of September, 1980.

E. Eugene Roeser
E. Eugene Roeser, Clerk