

ORDINANCE NO. 8-94

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER SALLY BEALS

THE 4TH DAY OF APRIL 1994

AN ORDINANCE TO APPROVE, ADOPT AND ENACT THE CENTERVILLE MUNICIPAL CODE (1994); TO REPEAL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND TO PUBLISH THE ENACTMENT OF NEW MATTER.

WHEREAS, Council has had the matter of codification and general revision of the legislation of the City before it for some time, and

WHEREAS, it has heretofore entered into a contract with The Justinian Publishing Company to prepare and publish such codification, and

WHEREAS, the codification of such legislation, together with the new matter to be adopted, the matters to be amended and those to be repealed, is now before the Council.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

SECTION 1. That the ordinances and resolutions of the City of Centerville, Ohio, of a general and permanent nature, as revised, codified, arranged and consolidated into component codes, titles, chapters and sections, are hereby approved, adopted and enacted as the Centerville Municipal Code (1994).

One book-form copy of the 1994 Centerville Municipal Code shall be certified as correct by the Mayor and the Clerk of Council, attached to this ordinance as a part hereof, and filed with the permanent ordinance records of the City of Centerville, Ohio.

SECTION 2. That all ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the 1994 Centerville Municipal Code are hereby repealed as of the effective date of this ordinance, except as follows:

- (a) The enactment of the 1994 Centerville Municipal Code shall not be construed 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 such 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 therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and codification.

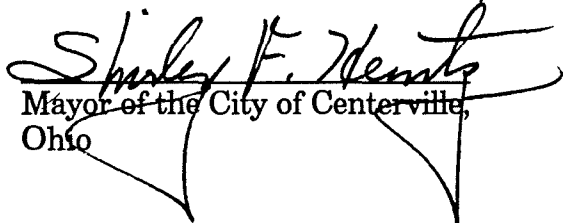
- (b) The repeal provided above shall not affect:
- (1) The grant or creation of a franchise, license, right, easement or privilege;
  - (2) The purchase, sale, lease or transfer of property;
  - (3) The appropriation or expenditure of money or promise or guarantee of payment;
  - (4) The assumption 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 February 1, 1994.

**SECTION 3.** That pursuant to Sections 5.03 and 5.09(b) of the City Charter, Ohio R.C. 731.23 and Section 224.01 of the Centerville Municipal Code, the Clerk of Council shall cause this ordinance to be published, together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council, by posting the same in the five public places set forth in Section 224.01 of the Centerville Municipal Code. A public hearing shall follow said publication by at least seven days, after which, provided that this ordinance is adopted by Council, and within ten days after such adoption, the Clerk of Council shall cause this ordinance to be published again, together with a notice of its adoption, as aforesaid, and together with the Summary of New Matter referred to in Section 4 of this ordinance.

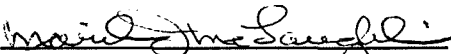
**SECTION 4.** That all sections and subsections in the Centerville Municipal Code without an ordinance or resolution history, or with the words "Adopting Ordinance" at the end thereof, are or contain new matter in the Centerville Municipal Code, said new matter having been found to be necessary, in the course of preparing the said Centerville Municipal Code, to render the legislation of the City internally consistent, consistent with the City Charter, and consistent with State law, where and as required by Article XVIII, Section 3, of the Ohio Constitution, as well as to adopt the latest editions of technical codes adopted by the City by reference, and said new matter is hereby approved, adopted and enacted. A summary of such new matter is attached to this ordinance as Exhibit A and the same shall be published, together with notice of the adoption of this ordinance, as aforesaid, pursuant to Ohio R.C. 731.23.

**SECTION 5.** That this ordinance, and the 1994 Centerville Municipal Code hereby approved, adopted and enacted, shall take effect and be in force at the expiration of thirty days after final adoption of this ordinance, as provided in Section 5.04 of the City Charter.

PASSED this 4th day of April, 1994.

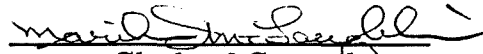
  
Mayor of the City of Centerville,  
Ohio

ATTEST:

  
Clerk of the Council of the  
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a correct and true copy of Ordinance Number 8-94, passed by the Council of the City of Centerville, Ohio, on the 4th day of April, 1994.

  
Clerk of Council

Approved as to form, consistency with  
the Charter and Constitutional Provisions.

Department of Law  
Robert N. Farquhar  
Municipal Attorney

EXHIBIT A  
SUMMARY OF NEW MATTER

---

New matter in the Centerville Municipal Code, 1994, includes legislation regarding:

- (1) Use, interpretation and application of the Codified Ordinances.
- (2) General Code penalty.
- (3) Participation in contracts with the Ohio Department of Transportation.
- (4) Posting places for ordinances and resolutions.
- (5) Departmental divisions.
- (6) Bonds for City employees.
- (7) Responsibilities of Service Director.
- (8) Responsibilities of Chief Building Official.
- (9) Corporate surety bond.
- (10) Authority of Municipal Attorney to engage outside counsel.
- (11) Blanket bonds for City employees.
- (12) Dismissals; excused absences regarding Commission members.
- (13) Traffic Code definitions.
- (14) Traffic Code enforcement.
- (15) Vehicle impoundment.
- (16) Powers of City Manager to designate fire lanes.
- (17) Violations of traffic control regulations subject to general Traffic Code penalties.
- (18) Traffic Code penalties.
- (19) Obstruction and special uses of public ways.
- (20) Traffic control devices.
- (21) Pedestrians.
- (22) Operation of motor vehicle.
- (23) Driving or physical control while under the influence.
- (24) Licensing of motor vehicles.
- (25) Motor vehicle accidents.
- (26) Motor vehicle safety and equipment.
- (27) Commercial and heavy vehicles.
- (28) Drivers of commercial vehicles.
- (29) Parking of motor vehicles generally.
- (30) Riding motorized bicycles on right side of roadway; riding abreast.
- (31) Licensing of motorized bicycle operators; equipment; use of helmets.
- (32) Operation of bicycles and motorcycles.
- (33) Snowmobiles and all purpose vehicles.

- (34) General provisions, administration and enforcement of General Offenses Code.
- (35) Alcoholic beverages.
- (36) Animals.
- (37) Drugs.
- (38) Gambling.
- (39) Offenses relating to persons.
- (40) Offenses relating to property.
- (41) Peace disturbances.
- (42) Safety, sanitation and health.
- (43) Sex related offenses.
- (44) Weapons and explosives.
- (45) General Offenses Code penalties; sentencing.
- (46) Liability insurance for circuses and carnivals.
- (47) Income tax bond for circuses and carnivals.
- (48) Penalty for violations of circus and carnival regulations.
- (49) Application for massage establishment license; fee.
- (50) Application for massage technician license; fee.
- (51) Penalty for violations of massage parlor regulations.
- (52) Penalty for violations of peddler and solicitor regulations.
- (53) Penalty for violations of earned income tax regulations.
- (54) Penalty for violations of street regulations.
- (55) Excavations.
- (56) Drainage facilities.
- (57) Penalty for violations of tree regulations.
- (58) Fees for garbage and rubbish collection and disposal.
- (59) Penalty for violations of garbage and rubbish collection and disposal regulations.
- (60) Penalty for violations of park and recreation regulations.
- (61) Violations relating to designated landmarks.
- (62) Penalty for violations of landmark regulations.
- (63) Adoption of Ohio Basic Building Code, as amended through January, 1994.
- (64) Adoption of 1992 edition of CABO One and Two Family Dwelling Code.
- (65) Conflicts of laws re CABO One and Two Family Dwelling Code.
- (66) Adoption of 1993 edition of National Electrical Code.
- (67) Conflicts of laws re National Electrical Code.
- (68) Definition of Building Code.
- (69) Enforcement of Building Code.
- (70) Interpretation and conflicts with State law re flood damage prevention regulations.
- (71) Floodproofing standards.
- (72) Rules of construction for Property Maintenance Code.
- (73) Definition of Unified Fire Code.
- (74) Conflicts of laws re Unified Fire Code.
- (75) Amendments re Unified Fire Code.
- (76) General Fire Prevention Code penalty; other remedies.