

ORDINANCE NO. 17-90
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER J.V. Stoue ON THE
21st DAY OF January, 1991.

AN ORDINANCE ENACTING A REVISED CODE OF GENERAL ORDINANCES FOR THE CITY OF CENTERVILLE, OHIO, RECODIFYING, RENUMBERING, REVISING AND REARRANGING SECTIONS OF THE MUNICIPAL CODE AND OTHER EXISTING ORDINANCES OF THE CITY, ADDING NEW MATTER AND REPEALING VARIOUS ORDINANCES.

WHEREAS, the present Municipal Code of the City of Centerville, Ohio is inadequately arranged in regard to titles, topics, and subject matter, some sections being now insufficient in form and substance for the proper preservation of the public peace, health, safety and welfare of the City and for the proper conduct of its affairs, and said Municipal Code being unsupplemented and, therefore, not current for many years; and

WHEREAS, American Legal Publishing Corporation, in cooperation with the Department of Law, has completed the recodifying, renumbering, revising and rearranging of the general and permanent ordinances of the City in printed form pursuant to an agreement with said company; and

WHEREAS, in the interest of certainty with respect to ordinance provisions and to comply with law, it is deemed necessary forthwith to publish such recodification, renumbering, revision and rearrangement of said ordinances in book form as the Municipal Code of the City of Centerville known as the Code of Ordinances;

NOW, THEREFORE,

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. Revision and Recodification. The general and permanent ordinances of the City are revised, rearranged, re-compiled and renumbered as to section 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 Revised Codified Ordinances.

A. The general and permanent ordinances of the City, so revised, rearranged, re-compiled and renumbered as to Section and recodified, in form the same as that on file in the Office of the Clerk of Council bearing number the same as this ordinance, are hereby approved, adopted and enacted, and the same shall be printed and published in book form in the manner provided in Section 12 hereof as the Code of Ordinances of the City of Centerville, Ohio, and when so printed, published and assembled in book form and certified as correct by the Clerk of Council, shall be admitted in evidence and accepted by the courts and all persons as to the existence, effectiveness and regularity of all enactments so published in said book form, as of the effective date designated herein.

B. One copy of the Code of Ordinances (officially known as the Municipal Code as hereinafter provided), upon certification as to the correctness thereof in such book form by the Clerk of Council shall be kept in its initial form on file in the Office of the Clerk of Council and retained as a permanent ordinance record of the City.

Section 3. Effective Date. The Municipal Code, consisting of the various titles as hereinbefore and therein designated, and all provisions thereof, shall take effect and be in force, at, on and after 12:01 a.m. o'clock Eastern Standard Time on the 31st day following passage by the Council of the City of Centerville.

Section 4. Other Amendments and Supplements. The Municipal Code 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 this Council to make the same a part thereof, such amendment or supplement shall be incorporated in, and deemed a part of the Municipal Code so that any reference to the Municipal Code shall be understood and construed as including the Municipal Code, 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 Municipal Code shall be integrated therein by following the form of arrangement and plan hereby and therein adopted. Each title shall be subdivided into chapters, and each chapter shall be subdivided into sections.

Section 6. How Known and Cited. This Adopting Ordinance, the Municipal Code of the City of Centerville, Ohio, hereby adopted and any and all amendments and supplements which may be adopted as hereinbefore provided, as

any such may exist from time to time, shall be known and referred to as the Centerville Municipal Code, and any component title of the Centerville Municipal Code shall be known and referred to either as "the Code," "this Code," "component Code," or as designated in Section 1 hereof, and the sections of the Municipal Code may be referred to and cited in the form "M.C.," as may be applicable and appropriate to any section or sections.

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 her 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 she 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 Municipal Attorney.

Section 8. Interpretation.

A. In the interpretation of any provision of the Municipal Code, or of any ordinance amending or supplementing the same, general terms, phrases, and expressions therein shall be liberally construed so as to carry out the intent and meaning of this Council, and shall have the meaning commonly ascribed thereto, unless a different meaning is required by the context or to give effect to such ordinance.

B. The headings of sections contained in the Municipal Code shall be printed in all capital letters and are to be deemed to be in the nature of "catch words," and in case of conflict between such heading and the contents of any section, the contents of the section shall control, notwithstanding the headings.

Section 9. Separability. Each section or each part of each section of the Municipal Code 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 any 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 to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the Municipal Code would have been adopted independently of such section, sections or part or parts of a section so held to be invalid.

Section 10. Repeal of Prior Ordinances. The Municipal Code contains all of the provisions of a general and permanent nature pertaining to the subjects therein enumerated and embraced. All prior ordinances, parts of ordinances and sections of the Municipal Code in effect upon the effective date of this ordinance which are incorporated in or pertain to the subjects enumerated and embraced in the Municipal Code of the City of Centerville, are hereby repealed as of the effective date of this ordinance.

Section 11. Prior Ordinances Not Affected by Repeal. The repeal of ordinances and the Municipal Code sections as provided in Section 10 hereof shall not affect:

- (1) all ordinances of a temporary or special nature, and all other ordinances pertaining to subjects not enumerated and embraced in the Municipal Code;
- (2) any offense or act committed or done or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this ordinance;
- (3) any ordinance or resolution, promising or guaranteeing the payment of money to or by the City, authorizing the issuance of any bonds or notes of the City or any other evidence of the City's indebtedness, or any contract or obligation assumed by the City;
- (4) the administrative ordinances or resolutions of this Council not in conflict or consistent with the provisions of the Municipal Code;
- (5) any right or franchise conferred by any ordinance or resolution of this Council to any person or corporation;
- (6) 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;
- (7) any ordinance levying or imposing taxes, assessments, or charges;
- (8) any ordinance fixing salaries, wage rates, fringe benefits or other emoluments or compensation of City officers and employees;

- (9) any prosecution, suit or other proceeding pending, or any judgment rendered on or prior to the effective date of this ordinance;
- (10) any ordinance which may be adopted by this Council after the effective date of this ordinance.

Section 12. Publication.

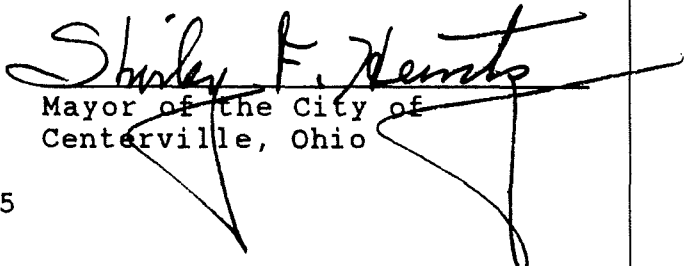
A. The Clerk of Council, having caused the titles of the Municipal Code with their component chapters and sections to be printed, and having assembled all such titles as the Municipal Code of the City of Centerville, Ohio, for certification as correct by the Clerk of Council, shall have on file one such complete set of the Municipal Code in its initial form with this Adopting Ordinance as provided in Section 7. The Clerk shall deliver such complete set of the component titles to the City Manager, the directors or heads of City departments and agencies and to the Judges and Clerk of the Municipal Court of Kettering in such numbers as the Clerk of Council and such administrative and judicial officials shall agree to be in accordance with their needs, a complete set being furnished to each member of this Council.

B. The Clerk of Council is authorized to sell to the public to the extent they are not needed by the City organization, the complete set of books comprising the Municipal Code, separately by volume, or by the component title, as well as supplements hereinafter published, at such prices as the Clerk of Council may from time to time determine, considering overhead, handling and other related costs of the City. The Clerk of Council is also authorized to exchange copies of the Municipal Code with other cities extending like courtesy to the City of Centerville.

C. The Clerk of Council shall prepare and distribute periodically, the amendments and supplements of the Municipal Code, which shall be prepared and published no less than once per year insofar as is possible and practicable.

Section 13. This ordinance shall take effect from and after the earliest date allowed by law.

PASSED THIS 21st day of January, 1991.


Mayor of the City of
Centerville, Ohio

ATTEST:

Marilyn McLaughlin
Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 17-90, passed by the Council of the City of Centerville, Ohio on the 21st day of January, 1991.

Approved as to form, consistency
with existing ordinances, the
charter & constitutional provisions.
Department of Law
Robert N. Farquhar
Municipal Attorney

Marilyn McLaughlin
Clerk of Council